

COPY No.

RECORD of PROCEEDINGS

of the

TRIAL BY

CANADIAN MILITARY COURT

of

WILHELM JUNG

and

JOHANN GEORG SCHUMACHER

held at

AURICH, GERMANY,

15 - 25 MARCH, 1946

VOLUME II

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VOLUME II

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MEDICAL CERTIFICATES

CONSENTS TO DEFENCE COUNSEL
AND INTERPRETERS

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A P P E N D E D

Medical Certificate - Wilhelm Jung -
d/15 March, 1946

Medical Certificate - Johann Georg Schumacher -
d/15 March, 1946

Medical Certificate - Wilhelm Jung -
d/20 March, 1946

Medical Certificate - Johann Georg Schumacher -
d/20 March, 1946

Medical Certificate - Wilhelm Jung -
d/21 March, 1946

Medical Certificate - Johann Georg Schumacher -
d/21 March, 1946

Medical Certificate - Wilhelm Jung -
d/22 March, 1946

Medical Certificate - Johann Georg Schumacher -
d/22 March, 1946

Medical Certificate - Wilhelm Jung -
d/23 March, 1946

Medical Certificate - Johann George Schumacher -
d/23 March, 1946

Medical Certificate - Wilhelm Jung -
d/25 March, 1946

Medical Certificate - Johann Georg Schumacher -
d/25 March, 1946

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Exhibit
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Assigned

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Entered
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A P P E N D E D

Consent to services of S/L V.B. Collins as Defence
Counsel and Sgt. G.E. Hartwig as Interpreter,
d/14 March, 1946, signed by Wilhelm Jung

Consent to services of S/L J.H. Hollies as Defence
Counsel and request for services of Sgt. E.
Klassen as private Interpreter, signed by
Johann Georg Schumacher

EXHIBIT "C"

R.E. McBurrey, A/V/M
President

OBERWEIER R.C.A.F. CASE

At the direction of Major ERIC BARKWORTH, British 2nd S.A.S. Regiment, this body had been disinterred when I arrived at the cemetery at Oberweier, Germany. The body lay next to the newly opened grave. It had apparently been buried in uniform but without a coffin. The grave was situated in the midportion of the cemetery against the wall which is to the left as one enters. It was marked by a cross bearing the inscription "Pilots Canadiens" (sic) and having painted on it, the Union Jack. Faded French colors were tacked to the cross.

IDENTIFICATION

1. Clothing.

A. Dark blue Royal Air Force flight jacket. This was considerably faded and so tattered that only one sleeve, a portion of the collar and the front of the jacket remained. On the sleeve were found Sergeant's stripes, which were taken as evidence and marked Exhibit Oberweier RCAF #1. At the junction of the sleeve and shoulder was found a 3/4 inch stripe of wool, considerably faded, on which the word "CANADA" could just about be made out. This was taken as evidence and marked Exhibit Oberweier RCAF #2. Sewn to the front of the jacket was the circle and wing insignia of the Air Force. In the circle the letters "A.C." could be made out. This was taken as evidence and marked Exhibit Oberweier RCAF #3. Over the right inside breast pocket, the lining bore a stamped label apparently bearing the manufacturer's label and size. This, however, could not definitely be made out. The portion of lining on which the label was stamped was taken as evidence and marked Exhibit Oberweier RCAF #4.

B. Full length long-sleeved heavy wool knit soiled whitesweater bearing no labels or identifying marks.

C. Green shirt with detachable collar fastened with front and back collar buttons. On the inside of the collar was found a laundry mark "SFSW". This was taken as evidence and marked Exhibit Oberweier RCAF #5.

There were no identifying marks or labels on the shirt.

D. Close-ribbed wool underdrawers, the pants of which were cut short. No labels or identifying marks could be found.

2. Teeth:

The following teeth were absent:

Lower left first molar
Lower left third molar
Lower right third molar
Upper left third molar (probably present during life)

Upper right second incisor
Upper right first molar
Upper right third molar

The following teeth were filled:

Lower right first molar - gold coronal and distal inlay.
Lower left second premolar - silver distal.
Upper left first premolar - silver coronal and distal.
Upper left second premolar - silver proximal, coronal, and distal.
Upper right second premolar - silver distal.

The lower right second molar was carious.

The body was in an extreme state of decomposition with postmortem dismemberment of the feet and right lower leg so that measurement was impossible. A doubtful estimate of weight would be some 135-140 pounds. There was complete maceration of the skin. Except for a few patches of scalp to which short cropped light brown or blonde hair was attached, the skull was entirely fleshless, as were the forearms and lower legs. Postmortem disarticulation made enumeration of the digits impossible. However, there were apparently no fractures of the long bones. A few remnants of the external genitalia identified the body as male.

There was a fracture of the zygomatic arch on the left and a small perforation-defect in the left squamous temporal bone measuring 1 x 2 cms from which extends three linear fractures, the posterior measuring 5 cms, the superior 4 cms and the anterior-superior measuring 3 cms. This is apparently the wound of entrance of a missile which traversed both temporal lobes and made its exit on the right side where a large defect measuring 6 x 5 cms is seen involving the squamous temporal, the parietal and frontal bones. About this defect there are multiple linear fractures; one running completely across the right and into the left frontal bone measuring 12 cms in length, one running posteriorly in the parietal bone for a distance of 5 cms. There is separation of the front-parietal suture on the right.

The soft tissue of the neck was almost entirely gone. The cervical vertebrae were intact. The thorax was exposed, there being almost complete loss of the costal cartilages and collars of the sternum.

No rib fractures were noted. The heart and lungs were a mass of putrefaction. The abdominal viscera were similarly exposed due to loss of the abdominal wall and only the terminal portion of the large bowel was identifiable.

CAUSE OF DEATH:

Due to the extreme state of decomposition of the body, it can only be stated that had the person been alive at the time he received the bullet wound to the head evidenced by a wound of entrance on the left and a wound of exit on the right, death would have been immediate.

"Marvin Kuschner"
MARVIN KUSCHNER
1st Lt., MC.,
Pathologist, WCit #6823.

EXHIBIT "C1"

R. E. Mc Burney, A/V/M
President

Piece of cardboard with clothing attached
(Sergeant's stripes)

"Exhibit Oberwieser R.C.A.F. #1 Sergeant's Stripes
on flight jacket -- that is Exhibit 1 to Path-
ologist's report being Exhibit "C" in these
proceedings."

EXHIBIT "C2"

R. E. McBurney, A/W/V
President

Piece of cardboard with clothing attached

(Canada Flash)

"Exhibit Oberweier R.C.A.F. #2 Canadian shoulder
strip on flight jacket -- that is Exhibit 2 to
Pathologist's report being Exhibit "C" in these
proceedings."

EXHIBIT "C3"

R. E. McBurney, A/W/H
President

Piece of cardboard with clothing attached

(Air Gunner's Brevet)

"Exhibit Oberweier R.C.A.F. #3 Air Gunner's
insignia over breast pocket on flight
jacket -- that is Exhibit 3 to Pathologist's
report being Exhibit "C" in these proceedings."

EXHIBIT "C4"

R.E. McBurney, A/V/M
President

Piece of cardboard with clothing attached.

(Part of lining from jacket)

"Exhibit Oberweier R.C.A.F. 4 Lining with
stamped manufacturer's label on right
inside breast pocket. -- that is Exhibit 4
to Pathologist's report being Exhibit "C"
in these proceedings."

EXHIBIT "C5"

P. E. McBurney, A/V/M
President

Piece of cardboard with clothing attached

(Part of shirt collar)

"Exhibit Oberweier R.C.A.F. 5 Shirt collar
and stamped laundry mark on flight jacket --
that is Exhibit 5 to Pathologist's report
being Exhibit "C" in these proceedings."

EXHIBIT "D1"

R. E. McBurney, A/V/!!
President

Photograph of grave at Oberweiler, taken
30th July, 1945

EXHIBIT "D2"

R. E. McBurney, A/V/M
President

Photograph of body disinterred on
30th July, 1945.

EXHIBIT "D3"

R.E. McBurney, A/V/M
President

Photograph of grave at Oberweiler taken
on 30th July, 1945.

EXHIBIT "D4"

R.E. McBurney, A/V/M
President

Photograph of body disinterred at
Oberweiler on 30th July, 1945 and
taken on same date.

EXHIBIT "B"

R.E. McBurney, A/V/V
President

Original letter from RCAP O/S P.O. dated 30th Nov/45
with five (5) photostat copies of documents of
R. 198883 F/S Martens, C.W. attached.

File No.: TS.51-46/R198883(JAG)
V/Ref: 67WVF92/Oberweiler
Dated 20th Nov/45

Royal Canadian Air Force
Overseas P.O.

CONFIDENTIAL
REGISTERED
VIA A.D.V.S.

20 Lincoln's Inn Fields,
London, W.C.2
31st December, 1945.

Officer Commanding,
HWE Det. - 1 Cdn War Crimes Inv. Unit,
Cdn Sec. 1 Ech., HQ BAOR.

R198883 F/Sat. Martens, C.W.

1. Further to our letter of the 30th
November, 1945, we now enclose photostat copies
of medical and dental documents and photographs,
of the above noted airman.

"W.M. Martin"
(W.M. Martin) C/C
for A.C.C.-in-C., R.C.A.F. Overseas.

EXHIBIT "B" with five photostatic copies of medical
documents attached.

EXHIBIT "E"

R.E. McBurney, A/V/M
President

Photostatic Copy of
Dental Record -- M.F.B. 465 - Canadian Dental
Corps

of

J 9076b -/o MARTENS, C.W.

EXHIBIT "B"

R.E. McDurney, A/V/V
President

Photostatic Copy Of
CASE HISTORY SHEET
of
P198883 AG2 MARTENS, C.W.

EXHIBIT "E"

R.E. McBurney, A/V/M
President

Photostatic Copy of
P.O.A.F. M.13 MEDICAL HISTORY OF
1190003 MARTENS, G.W.

EXHIBIT "E"

R.E. McBurney, A/W/M
President

Photostatic Copy Of
P.C.A.F. M. 2 MEDICAL BOARD
of
P 198883 MARTENS, C.W.

EXHIBIT "E"

R.E. McBurney, A/V/M
President

Photostatic Copy Of

R.C.A.F. R.2 (Revised) REPORT OF MEDICAL RE-
EXAMINATION

Of

R.198773 MARTENS, C.W.

EXHIBIT "F"
R.E. McBurney, A/V/M
President

P 420555/44/P.40as/CLC

AIR MINISTRY
73-77 Oxford Street,
London, W.1

J.A.G.,
R.C.A.F. Overseas P.O.,
20, Lincoln's Inn Fields,
London, W.C.2

Re War Crimes Enquiry -
Sergeant Maximilian Martin (RCAF)

1. With reference to your file "B.51-46/R.888 (?) supplied to us for examination in the above connection, it is desired to advise you that a search of our records has now been successful in the light of the further clues afforded us by you.

2. Your case is believed by us to refer to R.198883 Flight Sergeant Martens, Conrad William. This P.C.O. was an Air Gunner, his number ends in 8883. He went missing on the 28/29th July, 1944, Target - STUTTGART, and his Christian names, Conrad William may possibly have been corrupted into Maximilian. He was a member of the R.C.A.F.

3. For your information the members of the crew of which F/Sgt. Martens was Rear Gunner were as follows:-

CAPTAIN	J.26681	F/O	REID, Hewitt, Harold
F/ENGINEER	1594312	Sgt	JUDSON, Donald
NAVIGATOR	J.27489	F/O	SMITH, Wilfred James
AIR BOMBER	R.176660	F/S	MACDONALD, William Archibald
WOP/AIR	1801172	SGT	NOTTAGE, Kenneth Ernest
AIR GUNNER	RL87263	F/S	KRANCIUK, Stephen Lawrence
REAR GUNNER	R.198883	F/S	MARTENS, Conrad William

4. The only surviving member of the crew, F/Sgt. MacDonald, was taken Prisoner of War and has since returned safely to Canada. He was the first to bale out and has no knowledge as to what happened to the rest of the crew.

5. The aircraft in which this crew went missing was PB.172, operated by No. 100 Squadron. Enclosed herewith is a copy of an extract on our file of German documents in our possession.

6. A portion of the starboard elevator of the aircraft, according to information from the War Office, was picked up near Oberweiler, Map Reference J49/243. As this is an outer control surface of the aircraft it is possible that it might have been torn away during action without necessarily resulting in the crash of the aircraft in the immediate vicinity.

7. No action has been taken by this office to secure medical and dental documents of F/Sgt. Martens. It is assumed that that action will be taken by J.A.G.

"V.A. Mulhall"
(V.A. MULHALL) Squadron Leader
RCAF Casualty Liaison Officer,
AIR MINISTRY

C O P Y

CERTIFIED TRUE COPY
"V.A. Mulhall"
Squadron Leader
Canadian Casualty Liaison
Officer, attached to Air
Ministry, London.

REF F.420855
F.420856

Following extracted from German Documents File KE 9350
LANCASTER AIRCRAFT CRASHED 29.7.46 AT 0155
HOURS AT DUMERSHEIM 9 K.M. NORTH OF RASTATT

4 Dead: D. Judson
W. Krawchuk
F/O A. Clarkson
G.W. Martens

Buried in Durersheim Cemetery.

There is also a Railway Warrant made out to Sgt.
Bowley but no information as to his whereabouts is
given.

Sgt. Bowley and F/O Clarkson are members of another
crew namely:

RAF Sgt. Bowley
RAF Sgt. McGhee
RAF Sgt. Morrison
RAF F/O Clarkson
RAF Sgt. Newlands
RAF Sgt. Pence
AUS F/O Temberton

Above information refers to Totenliste 240.

NOTE: The actual extract taken from the German documents is contained in the ink-lined margin above. The information below the ink-line is purely a comment by Air Ministry to explain the mention, in the German records, of two Air Force personnel who were not members of the same crew as F/Sgt. Mortens.

"V.A. Mulhall" S/L
28/2/46

EXHIBIT "G1"

R.E. McBurney, A/V/M
President

Photograph of Rathaus at Oberweiler

EXHIBIT "G2"

R.E. McBurney, A/V/M
President

Photograph of Rathaus at Oberweiler

EXHIBIT "G3"

R.E. McBurney, A/V/M
President

Photograph of Rathaus at Oberweiler

EXHIBIT "F"

R.E. McBurney, A/V/M
President

Writing by twelfth witness, Karl Dahmer
of recollection of words on identity
disc.

MAXIMILIAN MARTIN

NO. 36

KANADA

EXHIBIT "I"
R.E. McBurney, A/V/M
President

File No: TS51-46/R.198883(JAG)
Y/Ref: 67/FWE/92/Oberweier/1.
Dated: 20th Nov/45. & 18th Nov/45.

ROYAL CANADIAN AIR FORCE
OVERSEAS HEADQUARTERS

TOP SECRET
ATTENTION: W/C DURDIN.

20, Lincoln's Inn Fields,
London, W.C.2
30th November, 1945.

Officer Commanding,
FWE DET - 1 Cdn War Crimes Inv. Unit,
Cdn Sec 1 Ech, HQ BAOR

R.198883 F/Sgt. Martens, C.W.

1. This will acknowledge receipt of your above referenced letters.
2. With the additional information given we once more approached P.4.CAS. with the request that they make a further search of their records. This time the results were far more satisfactory, as you will see from the enclosed copy of their report.
3. We have requested Ottawa to forward the medical, dental documents and photographs of F/Sgt. Martens, and will transmit to you as soon as received.
4. Should you require an affidavit from F/Sgt. MacDonald, or the documents etc., of the other members of the crew, please let us know and we will endeavour to obtain them for you.

"S. Berger"
(S. Berger) S/L
for A.O.C.-in-C., R.C.A.F. Overseas.

EXHIBIT "J"
R.E. McBurney A/V/11
President.

At 2030 hours, 26 February, 1946; Bad Salzflen,
Germany, an investigation team composed of:

Wing Commander O.W. Durdin
Examiner

Squadron Leader J.S.H. Beck
Cross-Examiner

Flight Lieutenant M.D. Einhorn
Interpreter (German)

CAN.R.72287 F/Sgt D.W. Hunter
Shorthand reporter

assembled to take the evidence of the following
witness:

Wilhelm JUNG

The interpreter and shorthand reporter are duly
sworn.

Wilhelm Jung, being duly sworn, is examined by
Wing Commander Durdin:

- Q.1 What is your full name?
A. Wilhelm Jung.
- Q.2 And what was your occupation during the month of July, 1944?
A. I was burgomeister.
- Q.3 Of what place?
A. Oberweiler.
- Q.4 And how long had you been burgomeister of Oberweiler?
A. From 1932 on.
- Q.5 Were you a member of the German armed forces during the last war?
A. Yes.
- Q.6 When did you enlist?
A. On the 16th of October, 1913.
- Q.7 Were you a member of the German armed forces during the war which has just finished?
A. No.
- Q.8 And I presume resided at Oberweiler where you were the burgomeister, is that correct?
A. Yes.
- Q.9 How old are you?
A. 52½ years of age.
- Q.10 I want to ask you some questions about an incident that occurred on or about the 29th day of July, 1944. Do you remember the early morning of July 29th 1944?
A. Yes.
- Q.11 Do you remember an Allied pilot coming down by parachute in Oberweiler that morning?
A. Yes.
- Q.12 Do you know what nationality he was?
A. I learned that later.
- Q.13 You learned later that he was what?
A. That he was a Canadian.

Q.14 Where did you first see this airman?
A. The first time I saw him was in front of the Rathaus. He was talking to some French prisoners of war.

Q.15 Do you know how he had been brought to the Rathaus and by whom?
A. I am not sure but I believe it was by Reinhart Strohm.

Q.16 And who was the airman turned over to?
A. I gave him to the wachtmann (constable).

Q.17 No, I don't mean that. What I mean is this: who did the person who brought him to the Rathaus deliver him to?
A. I can't say that exactly as when the flyer was brought to the Rathaus I was not there yet.

Q.18 Where was this airman when you arrived at the Rathaus?
A. He was in front of the Rathaus talking to some French prisoners of war.

Q.19 Now, when you came to the Rathaus did you see Peter Scherer there?
A. No, I didn't see him.

Q.20 You saw him that night, didn't you?
A. I didn't see him.

Q.21 I suggest to you, Jung, that you did see Scherer that night and that you had a conversation with him. Do you deny that?
A. I didn't talk with Scherer at all.

Q.22 If Peter Scherer says that he talked to you are you swearing on oath that Peter Scherer is lying?
A. Yes.

Q.23 Did you see August Mack there that night?
A. I didn't see him either. It is possible that he was there but I didn't speak to him.

Q.24 Jung, I want to warn you that you are on oath and that I have made some investigation into this case already and I have some knowledge of the facts and I put it to you now that early on the morning of July 29th, 1944, you had a conversation with August Mack respecting this Canadian airman. What do you say about that?
A. I didn't speak to August Mack. I certainly don't remember that I had any conversation with him.

Q.25 If August Mack says that he did have a conversation with you are you prepared to say that he is lying?

A. Yes, I am prepared to say that he is lying.

Q.26 How can you say that if you are not sure and can't remember.

A. It is quite impossible, as far as I can remember, that I spoke to August Mack as I went into the Rathaus right away when I arrived.

Q.27 What did you do when you went into the Rathaus?

A. I first of all phoned the landsratamt and reported the matter and then I phoned the kreisleiter.

Q.28 When you say "the matter" you mean the fact that an airman had parachuted down in Oberweiler, is that what you mean?

A. I reported that an aeroplane had crashed and that there was a prisoner of war in Oberweiler.

Q.29 Why did you telephone the landsratamt?

A. Those were orders, that one had to phone.

Q.30 Whose orders?

A. That was a general order which was given to us.

Q.31 Who gave you the order?

A. That happened when we had meetings of the various burgomeisters and officials. At one of those we were told that is what we should do in a case like that.

Q.32 Under whose direction were these meetings held?

A. Under the landrat.

Q.33 This office that you telephoned that you describe as the landsratamt, for what district was that?

A. Rastatt.

Q.34 And who gave this order at this meeting, that you were to call in circumstances of this kind?

A. The landrat, Baer.

Q.35 And what was the order that he gave you? What did he say you were to do?

A. He said that if anything like this occurred in a community the landsratamt should be notified.

Q.36 And when you telephoned him early in the morning of July 29th what did he tell you to do?

A. They just said "All right" and that was all.

Q.37 Did he not tell you what to do?

A. No.

Q.38 And who did you speak to?

A. I don't know who was on the telephone.

Q.39 All right, then what did you do?

A. Then I phoned the kreisleitung.

Q.40 And who did you speak to there?

A. To the kreisleiter, Tiefenbacher.

Q.41 And what did you tell him?

A. I told him that an aeroplane had crashed and one of the surviving members of the crew was in Oberweiler.

Q.42 What did he tell you to do?

A. He was annoyed and asked why this man had not been beaten to death yet by the people.

Q.43 Yes, what did you say?

A. I said "You can't just beat a prisoner to death".

Q.44 Yes, what else was said by either of you?

A. He said didn't I know his orders that every flyer which came down should be beaten to death by the people.

Q.45 Did you know of his previous orders in this respect?

A. Yes. He had told us those orders once at one of these meetings I have mentioned before.

Q.46 Did he also go to these landrat meetings?

A. Yes. This was at a meeting of the ortsgruppenleiters.

Q.47 Those were the meetings of the Nazi Party, is that correct?

A. Yes, that is correct.

Q.48 And these meetings were different meetings than those at which the landrat presided?

A. Yes. These were different meetings.

Q.49 And at these Nazi Party meetings that the kreisleiter went to and that you also attended, do you say that he had told you and the other Party members on these

- occasions that Allied pilots who parachuted were to be beaten to death. Is that right?
- A. Yes, that is right.
- Q.50 All right. Now, tell me what other conversation you had with him that morning on the telephone.
- A. There was no further conversation after that.
- Q.51 Then you have told me all of the conversation that you had with Tiefenbacher, is that correct?
- A. Yes, that is correct.
- Q.52 You are sure there was no more conversation between you?
- A. I don't think there was any more.
- Q.53 Well, start thinking and tell me, was there any more?
- A. The kreisleiter said that the flyer should be beaten to death by the people.
- Q.54 Now, have you told me all the conversation that passed between you and the kreisleiter, Tiefenbacher, that morning?
- A. As far as I can remember I have told you all.
- Q.55 Well, I want you to think well and be sure that you have told me everything.
- A. I don't remember very well but I believe he also said that the flyer should be shot.
- Q.56 Why do you remember that?
- A. I can just remember it.
- Q.57 Now, have you told me all of the conversation that passed between you?
- A. Yes.
- Q.58 Then I take it he didn't tell you by whom he should be shot?
- A. No, he didn't say that.
- Q.59 And after you finished talking to him what did you do?
- A. I asked the wachtmann to come and see me.
- Q.60 Who was he?
- A. I don't remember.
- Q.61 Let me refresh your memory. Was it Schumacher?
- A. I don't remember.

Q.62 Was he the village constable?

A. Yes.

Q.63 And do you tell me now that you don't know what his name was?

A. I don't remember.

Q.64 How long had he been the constable at Oberweiler?

A. About four to five weeks.

Q.65 Well, did the constable come to you?

A. Yes.

Q.66 And what did you do? What did you say to him?

A. I first asked where the prisoner was and he said "On the street". I told him that I had a conversation with Kreisleiter Tiefenbacher and that the Kreisleiter had told me that the flyer should be shot.

Q.67 Yes, go on.

A. I said that I would not shoot the flyer myself. It would be impossible for me anyway - I had no weapon. The wachtmann said "There is nothing to it to shoot a person". That was the end of the conversation.

Q.68 Where did this conversation take place?

A. It was in a room in the Rathaus.

Q.69 What room?

A. In the duty room.

Q.70 What do you mean by "duty room"? What was it used for?

A. It was the room where the telephone was and also the place where we had meetings.

Q.71 What floor of the building was that on?

A. It was on the first floor. It was a building that only had one floor.

Q.72 Now, when you say the first floor do you mean the floor above the basement where the prisoner of war cage was?

A. Yes.

Q.73 And it was the room that had the telephone in it, is that correct?

A. Yes, that is correct.

Q.74 Which side of the building was this room on, the east or west side?

A. East side.

Q.75 Was the room in the corner of the building?

A. Yes, in the corner of the building.

Q.76 And that is the room near the stairs or steps going into the building, is that correct?

A. Yes, it is the first room as you enter the building.

Q.77 And as you enter the building by the stairs it is the first room on the left, is that correct?

A. Yes.

Q.78 Now, who else was present besides yourself and this constable when this conversation took place?

A. I don't think there was anybody there.

Q.79 I want you to think well and tell me whether or not there was anybody there. You seem to be remembering everything else fairly well.

A. The only person who was there as far as I can remember was the constable.

Q.80 And if other witnesses swear that they were there and other people were there I take it then you are not in a position to deny it, is that correct?

A. It is possible that the door was open and that somebody might have heard something from there but I don't believe there was anybody actually there.

Q.81 Look, if other people say that they were in the room at that time can you say that they are lying?

A. I can't swear that they were lying as I don't remember.

Q.82 After this conversation took place between yourself and the constable then what happened?

A. I told the constable to take the prisoner away to Rastatt and if he couldn't do that himself to take him to the police post at Muggensturm.

Q.83 All right, Then what happened?

A. I went down the steps and there was the fireman Anselm and I told him he should accompany the constable.

- Q.84 All right, go on. What else happened?
A. The two of them went off with the prisoner and I went back into the Rathaus.
- Q.85 In which direction did they go?
A. In the direction of Muggensturn.
- Q.86 As you come out of the Rathaus where your office was, in which direction did they turn, right or left?
A. When one comes out of the Rathaus it is to the right.
- Q.87 And that is in the direction of Niederweiler, is it not?
A. Yes.
- Q.88 And did you see them as they walked along the street from the Rathaus?
A. Yes.
- Q.89 And for what distance did you watch them?
A. About 50 metres.
- Q.90 Then what did you do?
A. I went back to my room. As nobody was around somebody had to watch the telephone so I stayed there.
- Q.91 You mean you went back to your office in the Rathaus, is that what you mean?
A. Yes.
- Q.92 That was the office in which you had the conversation with the constable and with Tiefenbacher, is that right?
A. Yes.
- Q.93 All right. Now, when next did you hear anything about this Canadian airman?
A. A little while later I heard that the constable had shot the Canadian flyer.
- Q.94 When did you hear that?
A. About half an hour after I last saw them.
- Q.95 Who told you?
A. People were talking about it on the street and I heard it when I opened the window.
- Q.96 Do you know who the people were?
A. I don't remember who was down there. There were quite a few running around on the street.

Q.97 Could you hear clearly what the people on the street were saying while you were in your office?

A. Yes. I could hear clearly that the pilot had been shot.

Q.98 I take it you were not surprised?

A. I was surprised.

Q.99 Why were you surprised?

A. I was surprised because I had ordered the constable to take the flyer to Muggensturm.

Q.100 Where did you tell him to take the pilot in Rastatt?

A. To the office where the constable was in Rastatt.

Q.101 And when you told him to take the airman to Rastatt what did he say?

A. He said that he would do it.

Q.102 And you told me earlier that you told the constable if he couldn't dispose of the airman at Rastatt he was to take him to some other place. Where was that?

A. I told him in that case he should take him to Muggensturm.

Q.103 And how far was Rastatt from the Rathaus at Oberweiler?

A. About eight to ten kilometers. To Muggensturm it is about five kilometers.

Q.104 And I presume you thought he was going to walk there, is that correct?

A. Yes, that is what I believed.

Q.105 Now, when did you tell this constable to take him to Rastatt, after you told him the kreisleiter said he should be shot or did you tell him to do this before you told him what the kreisleiter had said?

A. After I had told him that the kreisleiter had said he should be shot.

Q.106 Why did you tell him what the kreisleiter had said at all if you intended that he should be taken to Rastatt?

A. I just told it to him in general conversation.

Q.107 You didn't intend him to act on it, is that correct?

A. That is correct.

Q.108 And when the constable first came to your office did he have a gun of any kind with him?

A. It is quite possible that he had a weapon with him but I don't remember.

Q.109 But you said that you told him it was impossible for you to do it because you didn't have a weapon. Surely you noticed whether he had a weapon?

A. Well, I wasn't even thinking about the fact that the flyer should be shot.

Q.110 What do you mean, you weren't thinking about it? The kreisleiter had just talked to you about shooting him.

A. Yes, but I didn't intend to carry out the kreisleiter's orders to that effect.

Q.111 Did you tell the kreisleiter you didn't intend to carry out his orders?

A. I didn't answer that remark of his at all.

Q.112 Now, how did the constable happen to come to your office? Did you send somebody for him?

A. I believe I sent somebody to get him.

Q.113 Who was that person you sent to get him?

A. It was either a small boy or a girl. I don't remember who it was.

Q.114 Was the constable at his home?

A. Yes, I think so because he came right away.

Q.115 And you just saw the constable once that night, is that correct?

A. Yes.

Q.116 That was the time when he was in your office?

A. Yes.

Q.117 Now, when he left the Rathaus to take the airman down the street with Anselm did he have a gun with him then?

A. Yes, he had one then.

Q.118 You remember seeing his gun then, do you?

A. He had a rifle with him which I saw.

Q.119 Now, is your memory any clearer now as to whether or not he had a rifle with him when he came into your office?

A. He didn't have his rifle when he was in my office.

- Q.120 Did you leave the office with him when he went out with the airman?
- A. I went along with him as far as the lowest step of the stairs in front of the Rathaus.
- Q.121 And he had the airman with him at that time, did he?
- A. The flyer was standing near Anselm.
- Q.122 And did this airman remain outside the Rathaus during all the time that you had this conversation with the kreisleiter and the constable?
- A. Yes. He was always outside.
- Q.123 And do you say that you never had the airman inside the Rathaus?
- A. He was never inside.
- Q.124 Then do I take it the only time you saw the airman was when you came into the Rathaus and when the constable went away with him from the Rathaus?
- A. Yes. The first time I saw him when I came and he was talking to the French prisoners of war and the second time as he left with the constable.
- Q.125 And who had him in charge at this time when he was talking to the French prisoners of war?
- A. Nobody in particular.
- Q.126 You mean he was standing there unguarded, is that correct?
- A. As far as I could see, yes.
- Q.127 And you left him that way?
- A. Yes. We were so used to having the French prisoners of war running around quite free that it didn't seem unusual to see him standing there.
- Q.128 Did the French prisoners of war run free and at large all the time?
- A. Yes, they were free.
- Q.129 There was no place in the Rathaus where they were confined?
- A. There was a place in the Rathaus where they were kept at night but in the morning they just went to their farmers where they worked.
- Q.130 Well, how did they happen to be out and at large at this hour of the morning?
- A. Because part of the aeroplane came down where they were confined and the constable let them out.

- Q.131 Did the constable tell you that he had let the French prisoners out?
A. He didn't tell me that but I saw it.
- Q.132 You saw him letting them out of the place, did you?
A. No, I just saw them running around among the inhabitants.
- Q.133 But how do you know how they got out?
A. Because there was an order for the constable when there was danger of air raid to let out the prisoners.
- Q.134 Whose order was that?
A. I think that order came from the Wehrmacht. The constable once told me that such an order existed.
- Q.135 Now, do you say that this Canadian airman was never in your office when you were there on the morning in question?
A. Yes, that is correct.
- Q.136 Now, what more did you have to do in connection with this airman after you heard that he had been shot?
A. I got a hold of the fireman Raedinger and a person belonging to the Wehrmacht whose name I believe was Strolz, to investigate into the matter and see what had happened and if it was so to see to it that the body would go to the cemetery.
- Q.137 Yes, go on.
A. They went away and brought the body to the cemetery. The next morning some of the French prisoners of war went to the cemetery and put down some flowers near the body.
- Q.138 What more did you have to do with it?
A. I had nothing further to do with the matter apart from the fact that the Kreisleiter somehow found out that the French prisoners of war had been to the cemetery and had put down flowers there and he wrote me a letter saying that it was a scandal that such things should be allowed.
- Q.139 Who arranged the burial of the airman?
A. The Luftwaffe commandant in Hagenau.
- Q.140 Did you have anything to do with the burial at all?
A. Nothing.

Q.141 Did you give any instructions as to where he was to be buried or did the Luftwaffe do that?

A. I had nothing to do with it and didn't indicate where he should be buried.

Q.142 Who arranged for the digging of the grave?

A. I don't know who arranged that either. The grave-digger buried him and the Luftwaffe indicated where the grave should be.

Q.143 How do you know the grave-digger buried him?

A. Because there was nobody else there who could have buried him.

Q.144 Is that just an assumption on your part?

A. I assumed that because there was nobody else at the cemetery who could have done it.

Q.145 Who was the grave-digger, do you know?

A. Karl Daehmer.

Q.146 Did you have any conversation with Daehmer about the burial of the airman?

A. No.

Q.147 Do you say that you never talked to Daehmer about it at all?

A. He once told me that he had buried the airman and that is all I know. I didn't talk to him about it any further.

Q.148 Did you send him any messages about the burial of the airman?

A. No.

Q.149 So that if he did bury the airman he did so without any instructions or suggestions from you, is that correct?

A. Yes.

Q.150 Now, do you know Wendelin Kappenberger?

A. Yes, he was the village clerk at Oberweiler.

Q.151 Was he the village clerk at Oberweiler or Rastatt?

A. He was of Oberweiler.

Q.152 Did you see him at the Rathaus on the morning in question?

A. Yes, he was also in the Rathaus and then there was talk in the village that there were more parachutists around and he went and got his rifle and went to see if he could find some of them.

Q.153 How do you know he went to get his rifle?
Did you see him with his rifle?

A. He said to me that he had a pistol or a rifle that he would take with him.

Q.154 Was he in your office on that morning at all?

A. I don't think he was in my room.

Q.155 Did you have any conversation with him that morning?

A. Yes, I believe I had some conversation with him when he came back.

Q.156 When he came back from where?

A. When he came back from looking for the flyers which they didn't find.

Q.157 Was that after the Canadian airman had been taken away from the Rathaus?

A. Yes.

Q.158 Did you have any conversation with him in your office before the Canadian airman was taken away?

A. No.

Q.159 Did you have any conversation in which you told him that the kreisleiter didn't want to see this Canadian airman alive?

A. Yes, I believe I told him that. I told him about the conversation which I had with the kreisleiter and I told him that the kreisleiter didn't want to see the airman alive.

Q.160 That was immediately after you telephoned the kreisleiter, wasn't it?

A. No, that was later on in the morning.

Q.161 How much later?

A. After the flyer was already dead.

Q.162 Now, where did this conversation take place?

A. That was in my office.

Q.163 Now, were there any other persons present when you had this conversation with Kappenberger?

A. No, nobody else.

Q.164 Just yourself and Kappenberger, is that correct?

A. Yes.

Q.165 Had there ever been any other Allied pilots come down in Oberweiler while you were the burgomeister?

A. In Oberweiler this was the only case. There was a case in Winkel.

Q.166 How close is Winkel to Oberweiler?

A. About three kilometres.

Q.167 And it is an area controlled by Oberweiler, that is correct, is it?

A. Yes.

Q.168 And it came under your control as burgomeister, is that correct?

A. No. Winkel belonged to Rotenfels.

Q.169 Now, did you have anything to do with this Allied pilot that came down in Winkel?

A. No, I had nothing to do with him.

Q.170 Did you ever have any conversation with Kappenberger about the disposition made of the airman that had come down in Winkel?

A. No.

Q.171 If Kappenberger says that this airman was handed over to the military authorities and that you told him the next time a pilot came down the kreisleiter was to be informed, is he lying about that?

A. Yes, that is right. I told that to Kappenberger once.

Q.172 Why did you tell Kappenberger that the kreisleiter was to be informed, first?

A. Because the Kreisleiter had given the order that he should be informed first.

Q.173 But what had the Kreisleiter to do with prisoners of war?

A. I don't know. He just said that he should know everything first.

Q.174 But you know that the head of the Nazi Party, the kreisleiter, has nothing to do with prisoners of war. You know that, don't you?

A. Yes, I know that. He had nothing to do with the Wehrmacht.

Q.175 Then why did you pay any attention to his instructions about prisoners of war?

A. Because I had to carry out his orders. He was the kreisleiter and I was the ortsgruppenleiter and he was my superior and I had to do everything he said.

Q.176 You mean he was your superior in the Nazi Party, is that what you mean?

A. Yes, that is correct.

Q.177 And if you didn't carry out his orders you would be put out of the Nazi Party, is that what you mean?

A. I would be punished if I would not carry out his orders.

Q.178 How would you be punished? What do you mean?

A. I don't know what would have happened to me but he said that anybody who didn't carry out his orders would come before a Party court martial.

Q.179 They why didn't you call the Kreisleiter first instead of calling the Landrat office as you previously told me?

A. Because that was more important to me.

Q.180 Why was it more important?

A. Because I knew they had more to do with it and also controlling the police than the Kreisleiter did.

Q.181 Then if you knew that why did you find fault with Kappenberger respecting this other airman when he turned the airman over to the military authorities and you told him the Kreisleiter must be called first in future cases?

A. Because the Kreisleiter ordered me to.

Q.182 But you just told me a minute ago that you were more concerned about what the Landrat office told you.

A. The Landrat and the Kreisleiter were always making trouble with each other.

Q.183 I am not concerned about that. I am saying to you that a moment ago you told me you were more concerned about what the Landrat told you. Why did you find fault with Kappenberger for not letting the Kreisleiter know first?

A. Because the Kreisleiter had told us that all Party members should be informed of this and as Kappenberger also belonged to the Party I also told him.

Q.184 The truth of the matter is that you were just trying to be a good Nazi, is that correct?

A. I wanted to carry out my duties as well as I could.

Q.185 And you were afraid of falling into dis-
favour with the Nazi Party, is that correct?
A. Yes, that is correct.

Q.186 And you were anxious to do whatever you
were told by the Nazi Party and the kreis-
leiter, is that correct?
A. Yes.

Q.187 Now, do you know a person by the name of
Josef Lindenbolz?
A. Yes.

Q.188 Now, did you see Josef Lindenbolz early
in the morning of July 29th, 1944?
A. No.

Q.189 Did you have conversation with him on
July 29th?
A. No.

Q.190 Are you swearing on oath that you didn't
tell Lindenbolz to kill the Canadian airman
that we have been talking about?
A. I didn't say anything to Lindenbolz.

Q.191 And if Lindenbolz says you said that do you
say that he is lying?
A. Yes.

Q.192 And if he says that he heard you order the
constable to shoot the airman do you say
that he is also lying?
A. Yes.

Q.193 Now, you were the leader of the Nazi Party
at Oberweiler, is that correct?
A. Yes, that is correct.

Q.194 And your wife's name is Hilda Jung, is that
correct?
A. Yes.

Q.195 And you live at the Zur Blume in Oberweiler,
is that correct?
A. Yes.

Q.196 And your wife was also a member of the Nazi
Party, is that correct?
A. She was not a member.

Q.197 Do you swear on oath that she was not a
member of the Nazi Party?
A. Yes.

- Q.198 How do you account for the fact that you were the burgomeister and she was not a Nazi and did not take any part in Party affairs?
A. That was not necessary.
- Q.199 Now, did you have any conversation with your wife respecting the shooting of this Canadian airman?
A. No.
- Q.200 Do you now tell me, Jung, on oath, that you did not have any conversation whatever with your wife about the shooting of this Canadian airman?
A. I talked to her on the telephone.
- Q.201 When did you talk to her on the telephone?
A. I believe it was the same night that the flyer was shot.
- Q.202 What did you say to her on the telephone?
A. My wife rang me and she said that she had heard that the flyer had been shot. I said I didn't believe that, I only ordered the constable to take him away. That was all.
- Q.203 Did you tell her whether or not you had had a conversation with the kreisleiter?
A. I didn't tell her that.
- Q.204 Did you tell her whether or not you had given the constable an order about shooting the pilot?
A. I didn't say that either.
- Q.205 Now, did you have any conversation with her after this telephone conversation that you have mentioned?
A. I didn't have any further conversation with her about it.
- Q.206 Do you say that the only time you ever discussed this incident with your wife was in this brief telephone conversation that you have just mentioned?
A. Yes.
- Q.207 And if she says that you did otherwise discuss this incident with her do you say that she is also lying?
A. I certainly can't remember talking to her about it further.
- Q.208 I want you to search your memory and tell me definitely whether you discussed it with her other than in this telephone conversation?

A. I don't think I had any more conversation with her after the telephone conversation.

Q.209 Why didn't you? Hadn't you been somewhat impressed by the incident?

A. I never had any conversation with my wife about the things which happened in the Rathaus.

Q.210 Now, if your wife says that you told her that the kreisleiter gave you the order to shoot the pilot, do you say she is lying when she says that -- yes or no?

A. It is possible that I said that.

Q.211 Then what do you mean by telling me that you didn't have any conversation with her except this brief telephone conversation you told me about. Did you tell her the kreisleiter ordered you to shoot the pilot or didn't you tell her?

A. Yes.

Q.212 Do you mean yes, you did tell her that the kreisleiter ordered you to shoot the pilot?

A. Yes.

Q.213 And if she says that you didn't wish to do it yourself and you ordered Schumacher to do it, do you say she is lying when she says that?

A. She must be wrong.

Q.214 I want you to search your memory and be positive about your answer. If she says that you told her you didn't wish to carry out the order yourself and merely passed it along to Schumacher, the constable, is she lying?

A. She must be lying. I didn't say that to her.

Q.215 You are positive about that, are you?

A. Yes.

Q.216 Did you say anything to her from which she could have gotten that impression?

A. No.

Q.217 You swear then that you said nothing of that nature to her whatsoever, is that correct?

A. That is correct.

Q.218 And do you say that your wife never asked you about this incident or questioned you about it subsequent to this telephone conversation of which you speak?

A. Yes, that is correct.

Q.219 Now, when did you leave Oberweiler?

A. 2nd of April 1945.

Q.220 Why did you leave?

A. Because I had to join the Volkssturm.

Q.221 And do you say that you went away with the Volkssturm?

A. Yes.

Q.222 And where did you go from Oberweiler with the Volkssturm?

A. First to Balk and then to Baden-Baden because we had to retreat all the time.

Q.223 And when were you captured?

A. 14th of April

Q.224 And where were you captured?

A. Near Bielertahl.

Q.225 How far is that from Oberweiler?

A. 35 to 40 kilometres.

Q.226 And you left Oberweiler at the time of the arrival of the French troops, that is correct, is it?

A. Two days before the French troops got there.

Q.227 And who went with you?

A. I was about the only one who went. There might have been one or two more.

Q.228 Why did you go away when the others didn't?

A. Because I was called up.

Q.229 The truth of the matter is that you ran away from Oberweiler because you were afraid of reprisals from the French forces, that is correct, isn't it?

A. No, that is not correct. I wouldn't know that I had done anything against the French prisoners of war.

Q.230 If your wife says that you ran away through fear of reprisals from the French forces is she wrong about that too?

A. She did say to me that when the French would come I might get into difficulties as the head of the local Nazi party.

Q.231 The truth of the matter is, Jung, that your wife knew well that you were running away because the French forces were coming and you were afraid of reprisals from them. That is correct, isn't it?

A. No, that is not true. I wouldn't know what I had done wrong.

Q.232 Well, how do you account for her saying to you that she thought you would get into trouble with the French forces if you had done nothing wrong?

A. Because I was the Ortsgruppenleiter.

Q.233 Now, has your memory been refreshed at all as to the name of this constable?

A. I don't remember his name.

Q.234 You don't remember the name Schumacher at all is that correct?

A. That is correct.

Q.235 And have I understood you correctly that you only had one brief conversation with this constable?

A. Yes.

Q.236 And that conversation took place in your office, is that correct?

A. Yes.

Q.237 Now, what do you say as to whether or not he talked to the kreisleiter on the telephone that morning?

A. I don't think that is possible.

Q.238 You were the only one who spoke to the kreisleiter?

A. Yes.

Q.239 And how long was this constable in your office?

A. About two or three minutes.

Q.240 Did he hear you talking to the kreisleiter on the telephone?

A. No.

Q.241 Was he in your office when you spoke to the kreisleiter on the telephone?

A. No. He came later.

Q.242 Was there anyone in your office when you spoke to the kreisleiter?

A. There was nobody in there as far as I can remember.

- Q.243 Well, think well and tell me definitely because I want to know if there was anyone else in the office when you talked to the kreisleiter on the telephone.
A. No.
- Q.244 You mean no, there was no one else there?
A. There was nobody there.
- Q.245 Was the door of your office open when you had the telephone conversation with the kreisleiter?
A. It is possible that it was open.
- Q.246 And were there a large number of people outside your office in the corridor when you spoke on the telephone?
A. It is quite possible that there were some people standing in the corridor or on the steps.
- Q.247 And do I take it then that it is quite possible that a number of people heard your conversation with the Kreisleiter? Do you agree to that?
A. Yes, the possibility exists.
- Q.248 And they would be able to hear what you were saying, is that correct?
A. Yes, it is possible that they would have heard it outside.
- Q.249 Now, I want to be clear on the exact conversation that you had with this constable. When he first came into the room what did you say to him?
A. The first thing I said to him was that the kreisleiter had ordered to shoot the pilot.
- Q.250 And what did he say to that?
A. I said that I didn't approve of this and then he replied that that was a small matter; he would take care of it.
- Q.251 Yes, then what did you say?
A. I didn't say anything further then. All I said was to take the flyer off to Muggensturm.
- Q.252 Now, have you told me all of the conversation that you had with the constable?
A. Yes.
- Q.253 And everything he said to you?
A. Yes.
- Q.254 Now, I want you to describe this constable to me. How tall was he?
A. One metre, 88 centimetres.

Q.255 And what was the colour of his hair?

A. Dark, as far as I can remember.

Q.256 Did he have a moustache?

A. Yes, a small moustache.

Q.257 Did he wear glasses?

A. No.

Q.258 About how old was he?

A. Between 30 and 35 years of age.

Q.259 Was he married?

A. Yes.

Q.260 Where did he live?

A. I am not quite sure where he lived. I believe he came from a village near Kehl.

Q.261 Where is Kehl?

A. It is opposite Strassbourg.

Q.262 And was this constable a member of the German armed forces or was he a civilian?

A. He belonged to the Wehrmacht.

Q.263 What unit did he belong to?

A. That was called Schutze.

Q.264 What was the name of the unit he belonged to and the number of it?

A. I don't know. It had its headquarters in Rastatt.

Q.265 That was number three company, wasn't it?

A. I believe it was the third company.

Q.266 And what was the number of the battalion?

A. I don't know. I believe it was called Schutze Battalion.

Q.267 And about what was this constable's weight?

A. 150 pounds - 75 kilos.

Q.268 Did he have any outwardly visible distinguishing marks?

A. No.

Q.269 Do you know whether or not he had been wounded in the war?

A. He was not wounded in the war.

- Q.270 Are you sure that he hadn't been wounded or are you saying that you don't know?
A. I cannot say with certainty but as far as I know he was also employed as a wachtmann in the last war as in this one and he was not wounded.
- Q.271 If he was between 30 and 35 years of age how could he have been employed as wachtmann in the last war?
A. I mean by "The last war" this war.
- Q.272 You mean the war that has just finished?
A. Yes.
- Q.273 Where did his wife live?
A. Also near Kehl.
- Q.274 When you say "near Kehl" do you mean she lived outside the town?
A. Yes, in the Kreis Kehl.
- Q.275 How many children did he have?
A. I am not sure but I believe he had five or six children.
- Q.276 Was he one of the persons that left Oberweiler with you when you left?
A. No, he left before me.
- Q.277 Where did he go?
A. He went back to his company. Every few weeks they changed them.
- Q.278 Where was his company?
A. Rastatt.
- Q.279 Where did he go from there?
A. I don't know.
- Q.280 What was his civilian occupation?
A. I believe he was a farmer.
- Q.281 Did he own his farmer did he rent it?
A. Yes, he owned it, I believe.
- Q.282 When did Tiefenbacher leave Rastatt?
A. Around the time when the French came.
- Q.283 Was he one of the people who left with you?
A. No. I never saw him again.

Q.284 Where did he go?

A. I don't know.

Q.285 Have you ever heard where he was?

A. No, I never heard about him.

Q.286 Where were you living before you lived in Oberweiler?

A. I was born in Oberweiler and have always been there.

Q.287 What was your civilian occupation before you became burgomeister of Oberweiler?

A. I was a bricklayer.

Q.288 What do you say was the proper procedure for the disposition of Allied airmen who baled out?

A. They would be made prisoner and then delivered to the nearest police or Wehrmacht unit.

Q.289 You regarded that as the proper procedure, did you?

A. Yes.

Q.290 Was Lindenholz a member of the Nazi Party?

A. No.

Q.291 When was he put in the concentration camp at Rastatt?

A. I believe it was October, 1944. He was arrested by the gendarmerie but I don't know what for.

Q.292 How long after this incident respecting the Canadian airman was it that he was put in the concentration camp?

A. About two to three months.

Q.293 Did you never make any inquiries or hear any reason as to why he had been put in the concentration camp?

A. I heard from the wachmeister, Wolfe, that the reason was he had talked about the shooting of the Canadian airman in a disapproving manner.

Q.294 What was he supposed to have said?

A. He was supposed to have said that it wasn't right that they did shoot the flyer.

Q.295 Did you make any report to anyone respecting Lindenbolz' conduct or anything that he said on the morning in question respecting this Canadian airman?

A. No. I don't even know what he said.

Q.297 You didn't talk to Lindenbolz at all on the 29th of July 1944, did you?

A. No.

Q.298 Were there any proceedings respecting Lindenbolz before he was put in the concentration camp?

A. All I know about it is that somewhere somebody had chalked something on a wall about the shooting of the Canadian pilot and Lindenbolz was suspected of this and then he was arrested but I had nothing to do with it.

Q.299 Was he tried at all?

A. I don't know. As far as I know he was in front of a court in Rastatt and was acquitted.

Q.300 Why was he punished then if he was acquitted?

A. He was only there for interrogation.

Q.301 How long was he in the concentration camp?

A. I believe two months.

Q.302 Do you think it took them two months to interrogate him?

A. I don't know because I had nothing to do with it.

Q.303 Are you telling me that as the leader of the Nazi Party in Oberweiler you didn't know definitely why he was put in the camp and that you had nothing to do with it?

A. I had nothing to do with it because he was arrested by the gendarmerie.

Q.304 But I am saying to you, are you telling me on oath, that as the leader of the Nazi Party in Oberweiler you didn't know why Lindenbolz was thrown into a concentration camp and that you had nothing to do with it?

A. Yes. All I know is what I have said, which I heard from Wolfe, that he was supposed to have chalked something on a wall. That is all I know. I had nothing to do with it.

Q.305 But he would not be put in a concentration camp without the leader of the Party being told why and given full details, would he?

A. I was not informed.

Q.306 You agree that was contrary to the usual custom, do you?

A. No, I had nothing to do with it.

Q.307 I didn't ask you that. I said to you you agree that was contrary to the custom, don't you?

A. He was not arrested by the Party. He was arrested by the police.

Q.308 I want an answer to my question. I am saying to you you agree that it was not the customary thing to put a person in the concentration camp without giving full details to the leader of the Nazi Party in the area. Do you agree to that or don't you?

A. They should have told me but they didn't.

Q.309 Then you agree that it was unusual in Lindenberg's case that they didn't tell you?

A. Yes.

Q.310 Now, after the constable took the airman away and before you heard the people outside your window saying the airman had been shot, had you heard a shot from a gun?

A. No.

Q.311 You hadn't heard any shooting at all?

A. No.

Q.312 Do you know where the shooting took place?

A. Yes.

Q.313 Where did it take place?

A. It was about a hundred metres from the circumference of the village, in a side road.

Q.314 About how many metres would that be from the Rathaus at Oberweiler?

A. At least two kilometers.

Q.315 How did you find out where this airman had been shot?

A. From the people who were standing in front of the Rathaus.

Q.316 Did you ask them where he had been shot?

A. Yes.

- Q.317 When did you ask them that, that night?
A. Yes, the same night.
- Q.318 That is, the early morning of July 29th?
A. Yes.
- Q.319 Did you go to the place and see where the
airman had been shot?
A. No.
- Q.320 Did you ever see the airman after he had
been shot?
A. No.
- Q.321 And who moved this Canadian airman from
the place where he was shot to the
cemetery?
A. Two firemen.
- Q.322 Who told them to move the body?
A. I told them they should see what had
happened and then bring the body to the
cemetery.
- Q.323 Did you tell them what to do with the body
at the cemetery?
A. No, I didn't. I only said they should bring
it to the chapel in the cemetery.
- Q.324 And did you see the body at the cemetery?
A. No.
- Q.325 Did you talk to these two firemen after they
came back from moving the body?
A. No.
- Q.326 Now, did you obtain any of the particulars
of this airman as to his name or other
details?
A. No. That was only ascertained by a Luftwaffe
man from Hagenu.
- Q.327 And what was done with his personal effects?
A. I don't know what happened to them. As far
as I know the Luftwaffe man took care of
that.
- Q.328 Was he searched at the Rathaus?
A. No, I didn't search him.
- Q.329 Did anybody else search him?
A. I wouldn't know.
- Q.330 Nobody else would undertake to search him
at the Rathaus without your concurrence or
authority?

A. It might be possible that somebody searched him before I got to the Rathaus but nobody did while I was there.

Q.331 Did you see any of his personal effects or anything that was taken away from him?
A. No.

Q.332 Did you ever hear anything about them or what happened to them?
A. No.

Q.333 Then do I take it that you are satisfied that nobody searched him at the Rathaus and took any of his personal effects away?
A. Yes.

Q.334 Now, what was the reason why this Canadian airman was not kept in the Rathaus at Oberweiler overnight?
A. Because I didn't want to be under any obligation and I wanted to get him away from Oberweiler as soon as I could before the Kreisleiter came.

Q.335 What do you mean, you didn't want to be under any obligation?
A. I mean by that that I would not have had to have him shot.

Q.336 Do I take it then that you were anxious to ensure that he was not shot?
A. Yes.

Q.337 What precautions did you take to ensure that he wasn't shot?
A. I told the constable to take him away.

Q.338 Now, after these two firemen had removed the body to the cemetery did they tell you where they had put the body?
A. Yes. They said that they had brought the body to the cemetery.

Q.339 Did they tell you whereabouts in the cemetery they had put the body?
A. They said near the chapel.

Q.340 You spoke earlier of the French prisoners of war that had been let out during the air raid. Where were these prisoners confined?
A. Part of them were in the Rathaus -- about six or eight of them, and the rest of them were at a place called Kelter.

Q.341 And the ones you saw being released were where, at Kelter or at the Rathaus?

A. Both the ones at the Rathaus and the ones at Kelter.

Q.342. Did you see them being released from both places?

A. I didn't actually see them as they were being released. I know them all and I saw them standing in front of the Rathaus.

Q.343. Was that the only reason why you say they were released -- because you saw them out running around, is that correct?

A. Yes, that is correct.

Q.344. The truth of the matter is they had broken out of their prisoner of war cages, is that correct?

A. Whether the constable released them or whether they broke out, that I don't know.

Q.345. Are you telling me you didn't hear whether or not they had broken out of their cages that night?

A. I heard nothing about it.

Q.346. Who gave the order for the French prisoners of war to be locked up again on the morning in question?

A. I don't know.

Q.347. Were they locked up before or after the airman was taken away?

A. I don't know whether the constable locked them up or not.

Q.348. Did you give any orders as to whether or not the French PW's should be locked up?

A. No.

Q.349. When did you become the ortgruppenleiter at Oberweiler?

A. October or November, 1938.

Q.350. And how did you become ortgruppenleiter, were you elected or did somebody appoint you?

A. The kreisleiter of Rastatt appointed me.

Q.351. When was Tiefenbacher made kreisleiter of Rastatt?

A. 1936 or 1937.

Q.352. Then it was kreisleiter Tiefenbacher who appointed you as the ortgruppenleiter of Oberweiler, is that correct?

A. Yes.

Q.353. Now, do you remember discussing the shooting of this Canadian airman with a person at the Lutzig prison camp recently?

A. No.

Q.354. Did you have a conversation with any person in that camp in which you told them that this airman had been shot as a result of the kreisleiter's orders which you had passed on?

A. Yes, there was one with whom I was together there to whom I told this.

Q.355. And you told him that the airman had been shot as a result of the kreisleiter's order which you had passed on?

A. Yes.

Q.356. Now, on the morning that this Canadian airman was shot did you see Andreas and Wilhelm Schick at the Rathaus?

A. No.

Q.357. Did you see them as the airman was being taken to the Rathaus?

A. No.

Q.358. Did you have any discussion or conversation with anyone as to any contact they or either of them had had with the Canadian airman?

A. No.

Q.359. They were members of the Nazi Party at Oberweiler too, were they not?

A. Neither one of them were.

Q.360. Do you say that you have not at any time heard from anyone that either of these people maltreated the airman by striking him?

A. I heard that later on.

Q.361. Who did you hear that from?

A. Somebody who lived in the village. I don't remember who told me that the flyer had been beaten by Andreas Schick.

Q.362. How did they say Andreas Schick had beaten him?

A. As far as I know he was supposed to have beaten him in the face.

Q.363. With what?

A. I don't know.

Q.364. Did you take any action to investigate whether or not those allegations were true?

A. No.

Q.365. Why didn't you?

A. That was not my business.

Q.366. As the burgomeister of Oberweiler you were also the magistrate, that is correct, isn't it?

A. That was a matter for the gendarmerie.

Q.367. I didn't ask you that. I asked you if, as the burgomeister of Oberweiler, you were not also the magistrate. Were you the magistrate of Oberweiler or not?

A. No, I was not the magistrate. Any complaints which came to me I had to pass on to the gendarmerie.

Q.368. Did you pass on to the gendarmerie the information you had received about Schick?

A. No.

Q.369. Now, after you learned that the constable had shot this Canadian airman did you take any disciplinary action against him?

A. He only came back in the afternoon and then he was interrogated by his own unit. I was not allowed to interrogate him.

Q.370. Was he punished in any way?

A. As far as I know he was not punished.

Q.371. You knew that he wasn't punished, didn't you. He continued to be a constable at Oberweiler for some time, didn't he?

A. He was the constable for another 14 days and then he was relieved.

Q.372. And you did nothing about seeing that he was punished, that is correct, isn't it?

A. No.

Q.373. That is, you did nothing?

A. That is right.

Q.374. Do you tell me that as the burgomeister of Oberweiler you had nothing to do with legal proceedings against the residents of Oberweiler?

A. The only thing I was allowed to do was personal insults.

Q.375. Do you mean they were the only cases you were permitted to try, is that correct?

A. Yes, that is correct.

Q.376. They would be cases of quarrels between the residents, is that correct?

A. Verbal insults only, between the inhabitants of the town.

Q.377 And you had authority to send them to
gaol, that is correct, isn't it?
A. No, I was not allowed to do that.

Q.378 What punishments could you make?
A. Up to a fine of 20 marks.

Q.379 And did you regularly try people and
fine them?
A. Very seldom.

Q.380 And it was your duty to pass on charges
to Rastatt where you had no authority to
handle them, is that correct?
A. From time to time the gendarmerie came to
Oberweiler and the people themselves would
go to them and make their complaints.

Q.381 And you referred cases to them which came
before you and which you had no authority
to punish, is that correct?
A. Yes.

Q.382 Now, it is correct, is it not, that you
kept a register of all of the people
at Oberweiler? This record would show
their whereabouts, do you agree with
that?
A. Yes, that is correct.

Q.383 And when Lindenbolz was sent to the
concentration camp you would show him
in that book as being sent to the
concentration camp, that is correct,
isn't it?
A. No, I didn't make any entry to that
effect.

Q.384 Do you deny that there are any entries
in that book by you showing that Linden-
bolz was sent to the concentration camp?
A. Yes, I deny that.

S/L BECK DECLINES TO CROSS-EXAMINE.

WITNESS WITHDRAWS.

We certify that the foregoing transcript
consisting of 33 pages is a true record
of the evidence given before us by the
witness, Wilhelm JUNG.

"O W DURDIN"

Wing Commander
Examiner

"J S H BECK"

Squadron Leader
Cross-examiner.

EXHIBIT "K"
R.E. McBurney I/V/H
President.

At 2015 hours, 7th March 1946, an investigation
team composed of:

Wing Commander O W DURDIN
Examiner

Squadron Leader J.S.H. BECK
Cross-examiner

Flight Lieutenant G.W. LOW
Interpreter (German)

CAN. R.127651 F/Sgt B. CHALK
Shorthand Reporter

assembled at Bad Salzufflen, Germany, to take
the evidence of Johann Georg SCHULACHER.

The Interpreter and Reporter are duly sworn.

Johann Georg SCHUMACHER, having been duly sworn, is examined by Wing Commander O.W.Durdin.

- Q.1 Your full name is what?
A. Johann Georg Schumacher.
- Q.2 And your age is what?
A. I will be 42 in May.
- Q.3 And you presently reside where?
A. Tiengen Bei Freiburg.
- Q.4 And what was your occupation during the month of July 1944?
A. I was a soldier at that time.
- Q.5 To which part of the armed forces did you belong?
A. I was in the Landes Schutzen battalion, No. 404.
- Q.6 That is part of the German armed forces, is that correct?
A. Yes, I was directly under the German army.
- Q.7 And when did you enlist in the German army?
A. On the 2nd February, 1941.
- Q.8 And your rank was what?
A. I was in obergefreiter (lance corporal) in 1945.
- Q.9 And what was your rank in July 1944?
I was then a simple gefreiter. It is the next above private (soldier first class).
- Q.10 Where were you stationed in July 1944?
A. I was then at Oberweiler, near Rastatt.
- Q.11 And was your whole battalion at Oberweiler?
A. No, I was there all on my own. My company my whole battalion was in Rastatt.
- Q.12 What were the nature of your duties at Oberweiler in July 1944? How did you happen to be there alone without the rest of your battalion?
A. I was there to guard 24 Frenchmen who were French prisoners of war, who were detailed to work with the farmers there. I guarded them morning and evening and let them go to their work.

Q.13 And where were you billeted in Oberweiler?
A. I was there at Mrs. Demmler's. I don't remember the address. There was only one main street in Oberweiler.

Q.14 Was the house on the main street?
A. Yes, on the main street.

Q.15 And how far was it from the Rathaus - how many metres?
A. That was perhaps 40 metres. The camp of my POWs was in the Rathaus.

Q.16 And your officer at Rustatt was whom?
A. That was Captain (Hauptmann) Geilboerfer.

Q.17 And you acted under his supervision and control, is that correct?
A. Yes.

Q.18 And he was your immediate superior officer, is that correct?
A. Yes, he was my immediate superior officer.

Q.19 And how long were you in Oberweiler in the capacity which you have described?
A. From May until August 1944.

Q.20 And your sole duties there consisted of guarding the French prisoners of war, is that correct?
A. I was only up there to look after these French P.O.W's.

Q.21 Your duties consisted solely of looking after these French P.O.W's and guarding them, is that correct?
A. I had nothing else to do.

Q.22 And I presume that you had been given instructions from your captain as to what your duties were and how you were to carry them out, is that correct?
A. The control N.C.O.'s came over every week and issued us with instructions.

Q.23 When you say "issued us" with instructions, were there others besides yourself to whom they issued instructions?
A. No, I mean the leaders of detachments in other villages were visited by these N.C.O.'s and issued with instructions.

Q.24 Do you recall the occasion of an Allied airman baling out in Oberweiler early in the morning of 29th July, 1944?

A. Yes.

Q.25 I now show you six photographs - I want you to look at them and to tell me whether or not any of these photographs are photographs of the airman who baled out at Oberweiler on the 29th July 1944, whom you have just mentioned. I have marked them A1, A2, A3, A4, A5 and A6.

A. These two have the features which the airman had. (Witness indicates photographs marked A5 and A6).

(Six photographs marked A1 to A6 inclusive, are marked Exhibit "A", signed by Wing Commander Durdin, and attached to the proceedings.)

Q.26 Do I understand from that, Schumacher, that the two photographs which you have selected, you say in your opinion appear to you to be photographs of the airman about whom we have been talking - is that what you say?

A. I only repeat that I have only seen him perhaps twice during one hour and it was at night and I have seen so many people since.

Q.27 Did you see the airman with or without his cap?

A. Without his cap.

Q.28 Is it fair to say Schumacher, that having looked at the photographs, you consider that they are very like the airman that came down that night - is that correct?

A. Yes, they are similar. They have a similarity.

Q.29 As regards the uniform that the airman is wearing in the photograph, is that the same as the airman was wearing on the night he came down in Oberweiler?

A. No, he had the flying vest on. He was wearing blue trousers like you are wearing. (indicating Flight Lieutenant Low, who is wearing blue Air Force trousers).

Q.30 What about the top part of his uniform - what was it like?

A. He was wearing a flying suit. He was wearing the flying suit with zipper fasteners, which was taken off him later on in the Rathaus. He wore the blue trousers under the flying suit.

- Q.31 How, how did you first happen to know that this airman had parachuted out?
 A. I saw him first coming down through the flames where the aircraft was in flames.
- Q.32 That is before he landed, is that correct?
 A. At the time when he was descending, the sky was lit up from the flames and I saw then that one man was baling out.
- Q.33 What did you do - did you go to him or what?
 A. I remained at my camp every time when there was an air raid alarm. I had to open the camp.
- Q.34 Do you mean you had to open it and let the prisoners out - is that what you mean?
 A. To release the prisoners so that when the bombs came, the prisoners were free.
- Q.35 Where was the airman then when you first saw him at close range?
 A. He was directly over Oberweiler.
- Q.36 Then when did you next see the airman after you saw him descending by parachute?
 A. Three or four civilians brought him here to the Rathaus.
- Q.37 That is where you were - is that correct?
 A. At the Rathaus, where I was.
- Q.38 And who were these people who brought him to the Rathaus?
 A. It was night and I don't know the people by name. I had only been there for two months. Since I had only been in Oberweiler for two months, I did not know their names.
- Q.39 I want you to tell me what happened to the airman from the time you saw these people bring him to the Rathaus until he was shot.
 A. I was at the Rathaus where the civilians brought the airman and then I took him in custody because the civilians had beaten him up. I then took him into the Rathaus and thought tomorrow morning I shall deliver him to my company - my unit. Then the burgomeister came; he had telephoned to the kreisleiter to ask what should be done with the airman and then he got as an answer "he has got to be shot". The burgomeister, he was the ortsguppenleiter, in Oberweiler too, he issued the order to me, I must shoot the flyer. I refused at first - I was just a common soldier and I must obey what the superiors ordered. As a common soldier, I can't contradict my superior. The kreisleiter had more rights than one from the Wehrmacht and then he told me I have to go and then I just shot him but not out of

A.39.(Continued):

my interest, not that I had interest to shoot him. I am sorry enough that I am here to-day as the murderer. To-day the whole burden is being put on my shoulders.

Q.40. How many times did you shoot this airman, Schumacher?

A. Two shots.

Q.41. What did you shoot him with - a rifle?

A. With my official rifle which I had always with me.

Q.42. In what part of the body did you shoot him?

A. One shot through the head and one shot through the heart - through the chest.

Q.43. Who else was present with you when you did the shooting?

A. There was one from Oberweiler.

Q.44. What was his name?

A. His first name was Oscar, for certain, but I am not quite sure of his surname.

Q.45. Were there just the two of you present when the airman was shot?

A. Just the two of us.

Q.46. Where did you shoot him?

A. Outside the village.

Q.47. Was it on the way to Niederweiler?

A. It was outside Niederweiler.

Q.48. The place where you shot the airman, how would you reach it on leaving the Rathaus - would you go along the road towards Niederweiler and then turn right, is that correct?

A. Through Niederweiler and then to the right.

Q.49. About how many metres is this from the Rathaus, the place where the airman was shot?

A. It is more than one kilometre.

Q.50. And less than two kilometres presumably.

A. Yes, less than two kilometres. One kilometre, but I don't know how much more.

Q.51. How did this person by the name of Oscar happen to come along with you?

A. I don't know how the burgomeister told him to come along with me.

- Q.52. Did you hear the burgomeister tell him to go along with you?
A. Yes, I have heard that.
- Q.53. You heard the burgomeister tell him, is that correct?
A. Yes, sir.
- Q.54. And where were you and the burgomeister and Oscar when the burgomeister told him to go with you?
A. I was walking downstairs at the Rathaus and the burgomeister followed me down.
- Q.55. And did he have this conversation with you and this person named Oscar, on the steps?
A. That was upstairs that he told me I must shoot the airman and I told him I would not do it alone.
- Q.56. Where was this that you had the conversation with the burgomeister when he told you to shoot the airman - was that in his office in the Rathaus or where was it?
A. Yes, in his office.
- Q.57. Was there anybody else in his office when he told you to shoot the airman?
A. Yes, there was a police official there but I can not tell you what his name was. He was a stranger.
- Q.58. What kind of a police official was he?
A. He was from Oberweiler, from the Kreis Rastatt, from the neighbourhood. I don't know what his name was.
- Q.59. How do you know where this police official came from?
A. I don't know that. I don't know where he was stationed or billeted.
- Q.60. Why do you say he was from Kreis Rastatt. You don't know if he was from Kreis Rastatt do you?
A. Because Oberweiler belongs to Kreis Rastatt.
- Q.61. And were you just assuming that he came from Kreis Rastatt because he happened to be there that night - is that what you mean?
A. Yes, they were always on duty in the neighbouring communities.
- Q.62. You don't know where this person came from at all, that is correct isn't it?
A. No, I don't know.

- Q.63. And you had never seen him before, is that correct?
A. No, I had never seen him before.
- Q.64. What rank was he?
A. I don't know the ranks of the police officials. He wore a green uniform.
- Q.65. Who else was in the room besides this person you have described as a policeman and this person whose name is Oscar, the burgomeister and yourself?
A. There was nobody else there. Oscar was down at the bottom of the stairs.
- Q.66. There was just yourself, the burgomeister and the policeman in the office - is that correct?
A. Yes, as far as I can remember.
- Q.67. Were there any people out in the corridor outside the burgomeister's office?
A. Not directly outside in the corridor but there was a lot of people out on the stairs.
- Q.68. Would they be able to hear what was said in the burgomeister's office?
A. Yes, the door was open.
- Q.69. And you think they would be able to hear what was said in the office, is that correct?
A. The door was open, they could hear it, the ones on the stairs.
- Q.70. How did you happen to go to the burgomeister's office?
A. He called me upstairs from downstairs.
- Q.71. And what were you doing downstairs? Where were you downstairs?
A. I was on sentry duty down below, outside the room where the airman was who had baled out.
- Q.72. And the room where he was, is that the place where the French prisoners of war were normally locked up?
A. No. The room where the airman was, was an ante-room to the actual arrest cells where the French prisoners kept their rations.
- Q.73. And was he in there alone?
A. Yes.
- Q.74. And is this the place where you had received him from the civilians who had brought him?
A. I took care of the airman outside in the street and took him down to the room.

Q.75. Do you mean by that that you took him at the front of the Rathaus from the civilians who brought him in and then you took him in to this room which you have just describe - is that what you mean?

A. I took him over outside the Rathaus from the civilians, and took him in to the cell proper, where I undressed him and searched him for arms, and then I took him to the ante-room.

Q.76. I am showing you now a photograph of the Rathaus at Oberweiler - I want you to mark on the photograph with the number "1", the place where you received the airman from the civilians.

A. (Witness marks the figure "1" on photograph).

(Photograph showing the Rathaus at Oberweiler is marked Exhibit "B", signed by Wing Commander Durbin, and attached to the proceedings).

Q.77. I want you to mark on the photograph with the figure "2", the place where you refer to as the "cell proper".

A. (Witness marks figure "2" on Exhibit "B").

Q.78. I want you to mark on the photograph with the figure "3", the place that you have referred to as the "ante-room", to which you finally took this airman.

A. (Witness marks on Exhibit "B", the figure "3").

Q.79. Do you mean that the door that you have marked with the figure "3" is the door to the ante-room, or is that the door that you must go through to reach the ante-room?

A. You enter through door "3". There is a space of one metre and immediately to the right is the door to the ante-room, to which I kept the key.

Q.80. And that is the place where you put the airman after you searched him - is that right?

A. Yes.

Q.81. Now up until the time you took the airman to the ante-room, had you seen the Burgo-master, Jung, that night?

A. No, I hadn't seen him.

Q.82. Do you mean that you do not recall having seen him or are you sure that you had not seen him up until this time on the night in question?

A. I am not quite sure if I had seen him before on this night. I am sure that I had no dealings with him that night before I put the airman into the ante-room.

- Q.83. And were you in the ante-room when you learned that the burgomeister wanted to see you?
A. I had already locked the door and was outside.
- Q.84. Do you mean you were outside the building or outside of the ante-room?
A. Outside the building.
- Q.85. And how did you know that the burgomeister wanted to see you?
A. The burgomeister sent a message through another man that I should go upstairs to see him.
- Q.86. What was the name of this man that he sent the message with?
A. I can't remember that. There was too many people there, and they said the policeman should go upstairs.
- Q.87. And then did you immediately go upstairs to the burgomeister's office in the Rathaus?
A. Yes, I went then up to the burgomeister.
- Q.88. I am now showing you another photograph, Schumacher, showing another side of the Rathaus, and I want you to mark this photograph with an "X" on the window of the burgomeister's office.
A. I marked one with an "X" and I believe the other one belongs to the same room. (Witness marks photograph with an "X").
- Q.89. This other window you are talking about, will you mark it with a "circle", on the photograph?
A. (Witness marks window on photograph with a "circle").
- (Photograph above mentioned is marked Exhibit "C", signed by Wing Commander Durdin, and attached to the proceedings).
- Q.90. Now these photographs that I have shown you marked Exhibits "B" and "C", you recognize them as photographs of the Rathaus at Oberweiler - that is correct isn't it?
A. Yes, I do.
- Q.91. Now, when you got to the burgomeister's office, who was in the office besides the burgomeister himself?
A. The police official was in there.
- Q.92. And the name of the burgomeister was what?
A. Wilhelm Jung.

Q.93. Now, from the time that you went into the burgomaster's office until the time you first left, I want you to tell me all of the conversation that passed between you and the burgomaster and the police official, that was in the office.

A. There wasn't very much said. I was only in there for about ten minutes.

Q.94. Then you went into the office what did the burgomaster say to you first?

A. That he had phoned the kreisleiter and asked what should be done with the prisoner, or with the man who had baled out, and the kreisleiter answered that he must be shot and no more of these should be delivered alive.

Q.95. Were you there when he telephoned the kreisleiter?

A. No, I wasn't present then.

Q.96. Do you know what the burgomaster was referring to when he said that no more of these should be delivered alive - what was he referring to, do you know?

A. That is what comes down by parachutes.

Q.97. But was he talking about an Allied airman who had previously baled out over Oberweiler?

A. No, I know nothing about him.

Q.98. What did he mean that no more of them should be delivered alive? Had there been others that had been delivered alive?

A. To my knowledge there had been two others previously.

Q.99. You mean two pilots who had baled out?

A. Yes.

Q.100. When had they baled out - what month?

A. I can not recall the time.

Q.101. Would it be more than a month or two before this?

A. That could have been 1943.

Q.102. Do you mean near the end of 1943 or the beginning of 1944 - would that be about the time?

A. It could have been between 1943 and the beginning of 1944.

Q.103. And where had these airmen been taken?

A. I don't know where they were taken from R statt.

- Q.104 But these airmen had come down in the vicinity of Oberweiler, is that what you mean?
- A. I don't know where they came down - not near Oberweiler.
- Q.105 If they didn't come down near Oberweiler why do you think the burgomeister was talking about them?
- A. He didn't speak about these people. I only know that they were delivered to Rastatt.
- Q.106 Do you know of an Allied airman who baled out of an aircraft in the vicinity of Oberweiler sometime in January, 1944?
- A. No, I don't know. I was not yet in Oberweiler at that time.
- Q.107 After the burgomeister had told you what the kreisleiter had said, as you have already told me, what did you say?
- A. I said "I can not give orders, I am just a common man. I can not contradict orders of my superiors".
- Q.108 What did the burgomeister say to that?
- A. I should shoot him. I should leave with him.
- Q.109 Then did you leave immediately to get the airman?
- A. I then went downstairs and the burgomeister followed me and he then told Oscar to go along with me.
- Q.110 And you told me previously that he told this person Oscar to go along with you because you said you didn't want to shoot the airman alone - is that correct?
- A. Yes.
- Q.111 Have you told me all of the conversation that passed between yourself and the burgomeister respecting the shooting of the airman that night?
- A. That is all that I know.
- Q.112 But there was nothing else that was said between you that night except what you have told me - is that correct?
- A. Yes, that is correct. What I have said, I vouch for that.
- Q.113 I am not asking you that. What you have told me is everything that was said between you that night, is that correct?
- A. Yes, the only things between myself and the burgomeister.

Q.114 And you have told me that after going to the burgomeister's office, he having sent for you, you went to the room and he told you that he had talked to the kreisleiter on the telephone and that the kreisleiter said that the airman should be shot, that no more of them were to be delivered alive, then he told you to take the airman out and shoot him, you told him you were a common man and could not question your superiors, then the burgomeister told you again to take the airman away and shoot him, and you left his office and he followed you outside and on the steps of the Rathaus you told him you did not want to go alone to shoot the airman and he told this person Oscar, to go with you and you say that is all of the conversation or dealings between yourself and the burgomeister up until the time you left the Rathaus with the airman to shoot him. Have I understood you correctly - is that everything that happened?

A. Yes.

Q.115 Then you and this person Oscar, left the Rathaus and took the airman to the place that you have described, and you shot the airman twice, once in the head and once over the heart - is that right?

A. Yes, that is correct. There is no point to deny things. If I have to tell the truth there is no point that I deny things.

Q.116 And when you left the place where you had shot the airman, you were satisfied that he was dead, were you?

A. Yes, I stayed there until he was finished.

Q.117 I want you to tell me the manner in which you shot the airman - was he standing up when you shot him?

A. Yes.

Q.118 Was he facing you when you shot him?

A. I told Oscar to keep a bit to the right of the street and we should shoot him here, so that he is not to go any further.

Q.119 Was the airman facing you when you shot him?

A. No.

Q.120 You shot him from the back, is that correct?

A. Yes.

Q.121 And Oscar was standing beside him to the right, is that correct?

A. Yes, to his right.

- Q.122 Were the airman and this person Oscar, moving at the time you shot him or were they standing still?
- A. They were moving.
- Q.123 And how far behind the airman were you when you shot at him?
- A. Perhaps a metre and a half, or a metre.
- Q.124 And where did you first shoot him - in the head or over the heart?
- A. Through the chest, through the heart.
- Q.125 And when you fired this shot did he fall down or not?
- A. He continued on for a few metres further.
- Q.126 And then after he walked along or stopped along for a couple of metres you shot him again through the back of the head - is that correct?
- A. I then fired him through the head and he fell and was finished.
- Q.127 Did you report to the burgomeister that you had shot the airman after you had done so?
- A. After that I returned with Oscar and told the burgomeister that he is lying outside in the field and they should go and have him fetched.
- Q.128 Where was the burgomeister when you told him this?
- A. I believe it was outside the Rathaus.
- Q.129 And were there any other people about when you spoke to the Burgomeister?
- A. No, I told it to him alone.
- Q.130 Were there other people standing about on the street at the time you told him?
- A. There was still a lot of people around when I told him but I didn't tell him so loud that other people could hear it.
- Q.131 What did he say when you told him you had shot the airman?
- A. The burgomeister said "that is alright, this matter is finished now".
- Q.132 Then did you remain at the Rathaus or what did you do?
- A. I then went to see if my French P.O.W.'s were all present and if everything else was in order and I then went to sleep for an hour at Mrs. Demmler's house.

- Q.133 After you slept there for an hour did you come back to the Rathaus?
- A. Yes, to the Rathaus where my prisoners of war were.
- Q.134 When you came back to the Rathaus after having this sleep, had most of the people gone back to their homes or not?
- A. Most of the people had gone to the place where the aircraft had crashed.
- Q.135 And when you took the airman down the road to shoot him, did any of the people follow you down the road other than this person Oscar, who went with you?
- A. It was, of course, night, but there was no people immediately behind us.
- Q.136 Do you mean that none of the people followed you down to the place where you shot the airman -- is that what you mean?
- A. There was nobody directly behind us.
- Q.137 Were there some people following you at a distance then?
- A. That is possible that they were but I couldn't say sir. When we returned I couldn't see anybody.
- Q.138 When you returned and spoke to the burgomeister at the Rathaus you couldn't see any other people about, is that what you mean?
- A. Not on the street, but only in the village.
- Q.139 I take it that at the time of the year this happened, it would be a very warm night, is that correct?
- A. Yes, it wasn't cold at that time.
- Q.140 Do you recall whether or not the windows of the burgomeister's office were open?
- A. I can not remember exactly.
- Q.141 Did you see the burgomeister that night after you told him that you had shot the airman?
- A. Not afterwards any more.
- Q.142 Did you have any conversation or dealings with him the next day respecting this airman whom you had shot?
- A. There was no further mention about the shooting.
- Q.143 Did you talk to him about the burial of the airman?
- A. I only told him to fetch the airman and put him into some room.

Q.144 When did you tell him that - when you first came back from the shooting?

A. Yes.

Q.145 But he wasn't brought back and put in a room was he?

A. No, that was the mistake which the burgomeister made.

Q.146 What do you mean, it was a mistake?

A. He should have fetched the airman and laid him up in the room, like a ~~decent human being~~ and not like a dog.

Q.147 And you feel that was the mistake that the burgomeister made, do you?

A. Yes, that was a mistake of his that he did not put the airman up in the room.

Q.148 Do you know how the airman was buried?

A. The airman was buried in Oberweiler but how he was buried I have not seen.

Q.149 When you first came to the Rathaus that night there were a large number of people about the Rathaus, is that correct?

A. Yes, there were many people there.

Q.150 And what were they doing at the Rathaus?

A. They were running around behind those people who brought the airman into the Rathaus.

Q.151 Did you see the airman being brought to the Rathaus? Could you see him being brought down the street?

A. No, I was at my door with my Frenchmen.

Q.152 Can you tell how many people there were with the airman when he was brought down the street from the place where he parachuted to the ground?

A. About 20 or 25 - it could have been 30.

Q.153 Did you understand that a number of people had followed the airman down the street or had come down the street with him to the Rathaus - is that what you understood?

A. Yes, a lot of people followed those people who brought the airman to the Rathaus.

Q.154 And do you agree with me that many of the people around the airman were being very abusive to him?

A. Yes, many were abusive.

Q.155 Could you hear what those people were saying?

A. Many said this and many said that and many said beat him to death and many said beat him.

Q.156 Did you see any persons beating him or striking him?

A. Yes, I have seen people who did it.

Q.157 How were they beating him?

A. With their fist they beat him.

Q.158 Where were they striking him - in the face or parts of his body or where?

A. In the nape of the neck.

Q.159 Did you see any of them punch him in the face?

A. No, I have not seen that.

Q.160 Did you see any persons kicking him?

A. No, I have not seen any people do that.

Q.161 Did you see any people clutering at his throat?

A. No, I have not seen that.

Q.162 These people that you saw striking him with their fists, were they men or women?

A. They were men.

Q.163 Do you know who they were?

A. I don't know the names of these people. There was a tall man amongst them.

Q.164 Did you know him to see him previous to this night?

A. If I saw him I could possibly recognize him.

Q.165 Do you know what his work was in the village?

A. I think he was a farmer.

Q.166 Was there more than one man beating the airman?

A. I have seen one man hitting him. I saw a lot of men hanging on to the airman when they brought him in.

Q.167 How do you mean they were hanging on to him - what were they doing?

A. One was hanging on to his left arm, one on his right arm, three or four men were hanging around him - that is the way thry brought him in.

Q.168 Were they trying to take him into the Rathaus or were they trying to pull him out in to the crowd?

A. They just brought him to the Rathaus. Where they wanted to take him I don't know.

Q.169 And when they brought him in front of the Rathaus do you know whether or not the burgomeister saw the airman and the men who brought him in?

A. I don't know if the burgomeister was already there or if he came afterwards.

Q.170 Do you know whether or not the burgomeister came along when the airman came to the Rathaus with these men hanging on to him?

A. That is what I cannot state - whether he was there or whether he came afterwards.

Q.171 Do you know whether or not the burgomeister had any conversation with these men that brought the airman to the Rathaus?

A. I don't know that either, whether he had spoken to them or not.

Q.172 Did you see the burgomeister going into the Rathaus?

A. No, I have not seen him.

Q.173 When you went to the burgomeister's office I presume you went up the steps, which appear in photograph Exhibit "C" - is that correct?

A. Yes.

Q.174 And were there a number of people gathered on these steps when you went into the burgomeister's office?

A. There were various people standing on the steps, yes.

Q.175 Do you think it would be possible for these people standing about there to hear a telephone conversation which the burgomeister may have had with the kreisleiter just before you went into the office?

A. If the windows in front were open it was possible, but I couldn't state that.

Q.176 Can you tell me whether or not there was any black-out material on the windows of the burgomeister's office?

A. Yes, he always had black-out curtains there. If they were not there at the moment, I don't know.

Q.177 And his office was lighted when you went in it, is that correct?

A. Yes.

Q.178 And when you went to his office, there were not only people on the steps leading up to the building, but there were people in the corridor leading to the office - that is correct, isn't it?

A. Yes, there was also people in the corridors.

Q.179 Do you agree that it is possible that some of the people in the corridor had actually crowded into the office even while you were there?

A. No, not while I was there.

Q.180 But you agree that the door was likely open while you were there - that is correct isn't it?

A. The door was sort of half open.

Q.181 And when you were there the people were in the corridor and right up against the door, is that correct?

A. Yes, right up to the door.

Q.182 Do you know whether or not the burgomeister told anybody else that night to shoot the airman, other than yourself?

A. No, I don't know that.

Q.183 Schumacher, are you sure that the burgomeister didn't tell you to take the airman to Rastatt or to Muggensturm?

A. No, he didn't say that to me.

Q.184 The airman didn't at any time attempt to escape, did he?

A. No, he made no attempt to escape.

Q.185 Did the burgomeister know your name Schumacher?

A. Yes, he did know me and my name, for three months.

Q.186 He always addressed you by your name didn't he?

A. Yes, always.

Q.187 I want to be perfectly clear, Schumacher, how it happened that you first went to the burgomeister's office. How did that come about?

A. I just went upstairs to the burgomeister with a flying suit and the papers to give them to him.

Q.188 And did you give the flying suit and papers to the burgomeister?

A. Yes, I handed them over to the burgomeister in his office.

Q.189 What happened on this occasion other than handing the papers and the flying suit to the burgomeister - did you have any conversation with him when you did this?

A. I handed the papers to him and the burgomeister said he would phone the kreisleiter about instructions and I then left the office.

Q.190 Did you ask him what should be done with the airman?

A. No, I didn't ask him either.

Q.191 Then how did he come to tell you that he would have to wait until he heard what the kreisleiter said?

A. He said he would phone the kreisleiter and then give me the final words.

Q.192 Why did he say that to you if you hadn't asked him what you should do with the airman?

A. I just handed the papers and the clothing over to the burgomeister and asked what to do about it and the burgomeister said "well, what shall we do about it - I will phone the kreisleiter" and then I said "let us leave the airman here until tomorrow morning, we shall see then".

Q.193 What did the burgomeister say to this suggestion?

A. "I can't do that", the burgomeister said, "I have to phone the kreisleiter and get word from him".

Q.194 Did he say anything about telephoning anybody besides the kreisleiter?

A. No, he said nothing about that.

Q.195 Did you hear him telephone anybody or did you hear him talk to anybody on the telephone?

A. No, I didn't hear that either.

Q.196 Did you wait outside his office door in the corridor?

A. No, I waited outside, downstairs on the street.

Q.197 Did you have your rifle with you when you went into his office on this occasion with the airman's documents?

A. Yes.

Q.198 Had you had your rifle with you during the entire evening after first coming to the Rathaus?

A. Yes. As soon as I have to open the camp I have to carry my weapon with me.

Q.199 But it is true is it not that you first came to the Rathaus without your rifle and then went back to your house to get it - that is correct isn't it?

A. Yes, I opened first the camp and then I went back to get my rifle.

Q.200 And when you went back to get your rifle had the airman already been brought to the Rathaus?

A. No, he was not yet there.

Q.201 Now, when you took the airman's papers in to the burgemeister, were there any other people in his office on that occasion?

A. No, there was nobody else there except the police official.

Q.202 The next time you went up to the burgemeister is when he sent for you, is that correct?

A. Yes.

Q.203 Were they the only two occasions you went to the burgemeister's office that night?

A. Yes, those were the only two times.

Q.204 There was no doubt in Jung's mind was there, Schumacher, that when you left the Rathaus with this airman and the person named Oscar, that you were going to take the airman down the road and shoot him - is that correct?

A. Yes, he knew when we left.

Q.205 He knew because he had told you to do it, is that correct?

A. Yes, he knew that.

Q.206 After you shot the airman what did you do with the body - did you just leave him there?

A. We put the body just to the side of the road into the grass.

Q.207 This person called Oscar, did he have a gun with him when he went down with you when you shot the airman?

A. No, he had no rifle.

Q.208 Schumacher, do you agree with me that aside from anything the kreisleiter might have told Jung, that he appeared himself to want to have the airman shot?

A. I am of the opinion that the burgemeister himself did not want it but that he just went on instructions from the kreisleiter.

Q.209 How did you get that impression when it was possible for the burgemeister to have saved this airman by not calling the kreisleiter? It must have been apparent that he wanted him shot.

A. He said "I have to phone the kreisleiter to see what has to happen to the airman", as I have already told you before.

Q.210 It is also true that Jung referred to this airman as a pig and a swine - that is correct isn't it?

A. I know nothing about pig. I have heard nothing about pig or swine.

Q.211 What did he call the airman then?

A. To me he spoke about him as the airman who came down with the parachute.

Q.212 Had you ever heard of any orders about shooting airmen who baled out of aircraft other than what Jung told you this night?

A. No, I have not heard anything.

Q.213 But you appreciated that it was becoming fairly frequent in Germany at this time for Allied airmen who baled out to be shot or beaten to death, in the vicinity. You agree with that, don't you?

A. A lot of them were shot, I have heard about that.

Q.214 And you knew that at the time that this occurred, that is correct isn't it?

A. I have heard about it before and after.

Q.215 What orders did you have from your captain and W.C.O.s about shooting airmen who baled out of aircraft?

A. If I could catch them I should turn them in to the company.

Q.216 Those were your orders from the captain and the W.C.O.s, is that correct?

A. Yes.

Q.217 Had you ever officiated at any military executions prior to this time?

A. No.

Q.218 And you clearly understood at the time you shot this airman, Schumacher, that it was quite improper to shoot him - you understood that didn't you?

A. Yes.

Q.219 And you knew it was contrary to the orders you had received from your Wehrmacht officer and your N.C.O.s - you understood that too didn't you?

A. Yes.

Q.220 And you know that at the time you shot this airman that what you were really doing was murdering him - you understood that too, didn't you?

A. Yes.

CROSS EXAMINED BY S/L BECK:

Q.221 Were you ever a member of the Nazi Party?

A. No.

THE WITNESS WITHDRAWS

This is EXHIBIT A1 to the evidence of

Johann Georg SCHUMACHER

taken before us at Bad Salzufflen, Germany,
on the 7th day of March, 1946.

Photograph of

PL98853 W/S MARTENS, C.W.

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.F. Beck"
(J.S.F. Beck) Squadron Leader

This is EXHIBIT A2 to the evidence of

Johann Georg SCHUMACHER

taken before us at Bad Salzuflen, Germany,
on the 7th day of March, 1946.

Photograph of

PIGGER3 W/S MARTENS, C.V.

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.V. Beck"
(J.S.V. Beck) Squadron Leader

This is EXHIBIT A3 to the evidence of

Johann Georg SCHUMACHER

taken before us at Bad Salzungen, Germany,
on the 7th day of March, 1946.

Photograph of

2198883 P/S MASTER, C.W.

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.F. Beck"
(J.S.F. Beck) Squadron Leader

This is EXHIBIT A4 to the evidence of

Johann Georg SCHUMACHER

taken before us at Bad Salzungen, Germany,
on the 7th day of March, 1946.

Photograph of

F 198853 P/S MARTENS, G.W.

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.H. Beck"
(J.S.H. Beck) Squadron Leader

This is EXHIBIT A5 to the evidence of

Johann Georg SCHUMACHER

taken before us at Bad Salzungen, Germany,
on the 7th day of March, 1946.

Photograph of

R 197553 F/S WARTENS, G.M.

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.H. Beck"
(J.S.H. Beck) Squadron Leader

This is EXHIBIT A6 to the evidence of

Johann Georg SCHUMACHER

taken before us at Bad Salzuflen, Germany,
on the 7th day of March, 1946.

Photograph of
P198883 F/S MATTHEWS, C.W.

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.H. Beck"
(J.S.H. Beck) Squadron Leader

This is EXHIBIT B to the evidence of
Johann George SCHUMACHER

taken before us at Bad Salzuflen, Germany,
on the 7th day of March, 1946.

Photograph of
Pothaus, Oberweiler,
Germany

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.H. Beck"
(J.S.H. Beck) Squadron Leader

This is EXHIBIT "C" to the evidence of

Johann Georg SCHUMACHER

taken before us at Bad Salzuflen, Germany,
on the 7th day of March, 1946.

Photograph of

Bothaus, Oberweiler
Germany.

"O.W. Durdin"
(O.W. Durdin) Wing Commander

"J.S.H. Beck"
(J.S.H. Beck) Squadron Leader

We certify that the foregoing transcript
consisting of 22 pages is a true record
of the evidence given before us by the
witness, Johann Georg SCHULACHER.

"O W DURDIN"

Wing Commander
Examiner

"J S H BECK"

Squadron Leader
Cross-Examiner

EXHIBIT "L"
R.E. McBurney L/V/11
President

RECORD OF THE EVIDENCE

of

PAUL RENE LABORDE

taken at

PARIS, FRANCE

25 October, 1945.

At 1500 hours, 25 Oct 45, Paris, France, an investigating team composed of:

F/L D.E. McTaggart
Examiner

Capt. J.M. Blain,
Cross-examiner

Lt. R. Robichaud
Interpreter (French)

F/Sgt. D.W. Hunter
Reporter

assembled to take the evidence of H. Paul Laborde.

The interpreter and reporter are duly sworn.

Witness H. Paul Rene Laborde, 82 Rue de L'Universite,
Paris, being duly sworn, is examined by F/L McTaggart:

Q. 1 What is your full name?
A. Paul Rene Laborde.

Q. 2 What is your present address?
A. Paris, 82 Rue de l'Universite.

Q. 3 And what is your occupation?
A. I am maitre d'hotel.

Q. 4 Where were you during July of 1944?
A. I was at Oberweiler.

Q. 5 And what were you doing there?
A. I was at a baker's, who was at the same time a farmer.

Q. 6 What was your status, were you a
prisoner of war?
A. I was a prisoner of war.

Q. 7 During the month of July did an Allied
aircraft crash in the vicinity?
A. In the month of July, 1944, several planes
were brought down in the district but only one
was brought down in the immediate vicinity
of Oberweiler.

Q. 8 What date was this?
A. It was during the month of July but I cannot
tell you exactly what day it was.

Q. 9 Was it towards the end of the month?

A. I believe it was towards the end of the month. It was getting near the first of August.

Q. 10 Did you see the plane crash?

A. Yes. We were in the Kommando and I saw it.

Q. 11 Did any of the crew of this plane escape?

A. None. I had not heard it said.

Q. 12 Did any of them survive the crash?

A. Yes.

Q. 13 How many?

A. One only.

Q. 14 Did you see this man?

A. We were locked up in the Kommando and the windows being open we saw this parachutist coming to earth. He was about 200 metres away. We saw him.

Q. 15 What time of day was this?

A. It must have been between 1130 and 1230 at night.

Q. 16 Could you tell at that time whether or not

he was an Allied flyer or a German flyer?
A. He was an Allied airman.

Q. 17 How could you tell this?

A. The alert had sounded a long time before that. They were planes raiding Stuttgart. This plane had been shot down either by the anti-aircraft fire or the German fighters over Karlsruhe. We had seen it crash in a woods.

Q. 18 Did you see this one man ever again?

A. I did not see him again for the good reason that our Kommando was locked.

Q. 19 Did you hear what happened to this one pilot?

A. Yes.

Q. 20 From when did you hear any further details?

A. From all the civilians there.

- Q. 21 What do you mean "there" -- in the town?
A. Yes. Everybody who came to the spot.
- Q. 22 Will you tell us briefly what you heard as to what happened to the pilot next?
A. The airman first landed in the yard of a farmhouse. He was next taken into a room in the town hall. At that moment there were in that room six French prisoners.
- Q. 23 Do you know who those French prisoners were?
A. Yes.
- Q. 24 Please tell us their names and where they live, if you can.
A. Maurice Tronchat, Paris, Argentonil, Joseph Barbeau, Bretagne, Jean Desvignes, Bourgogne, Pierre Maistriat, Givet - Ardennes, Erreneau, Charente-Inferieure.
- Q. 25 Did any of these prisoners of war speak to you later about what happened?
A. Naturally.
- Q. 26 After the prisoner was taken to the mairie what happened next?
A. His papers were taken away from him and it is said that it was seen that he was going to Stuttgart for the eighth time.
- Q. 27 Who took his papers away from him?
A. I suppose it is the mayor but I don't know.
- Q. 28 Were there any other officials there at the time besides the mayor?
A. Almost the whole village was there. When an aircraft falls in a place like that everybody gets up and goes.
- Q. 29 What happened next?
A. This prisoner was taken through the village. The commando where we were was still locked but we heard this gentleman Scheier say "Don't kill this man. I have a son who is in the paratroops".

- Q. 30 Now, the person referred to as "this man", who was he?
- A. The English prisoner. The Canadian. He was being taken around as if they did not know where to go to kill him.
- Q. 31 Do you know what his rank was?
- A. No.
- Q. 32 Then what happened?
- A. He was taken to the end of the village in front of the gasthaus Blum where they discussed things for a few moments, after which he was taken to the woods where he was shot.
- Q. 33 Whom do you mean by "they" discussed things?
- A. The mayor that was there, our guard and some farmers who were there.
- Q. 34 What was the name of the mayor?
- A. Wilhelm Jung.
- Q. 35 Would you recognize him?
- A. Yes.
- Q. 36 Would you recognize a photograph?
- A. Yes.
- Q. 36a I produce to you four snapshots. Can you recognize any of them?
- A. This photograph marked Exhibit "B" is Mr. Jung, his wife, his son who is a prisoner in Italy, and his three daughters.
- Q. 37 Do you know exactly what part the mayor took at this time in the proceedings?
- A. His prisoner, that is, the prisoner who had remained at his place since the beginning, asked him the next morning "What have you done with this man and why?". Immediately Jung's wife said "There came an order from Rastatt".
- Q. 38 Who was this prisoner of war that you are now referring to?
- A. That is, I am referring to the prisoner who had been working with Jung. He lives at Vichy in the Allier.
- Q. 39 Do you know his name?
- A. Yes, Claude des Bordes.
- Q. 40 What is his present address?
- A. 12 Rue de Flandre, Vichy.

Q. 41 What else was said at the time by the wife of the mayor?
A. My friend said "Yes, is that true?" and she just said "Yes".

Q. 42 Was anything further said?
A. No.

Q. 43 Now, you have mentioned that the mayor and "our" guard and some farmers were deliberating about the prisoner. Did the mayor appear to be in charge of the party?
A. According to the civilians who told us about this later, the mayor seemed to be very annoyed.

Q. 44 Do you know what he was annoyed at?
A. Well, it would seem that when you get an order to kill somebody, even if it is an enemy, there is some reason for being somewhat annoyed.

Q. 45 Who was this person referred to as "our guard"?
A. The German soldier who looked after us French war prisoners.

Q. 46 What was his name?
A. I don't know.

Q. 47 Do you know what unit he belonged to?
A. No. We tried to find out but were not able to do so.

Q. 48 Who else was there besides the mayor and your guard?
A. There was the mayor, the Canadian, our guard and a lot of people from the village, even including children, were milling around.

Q. 49 Do you know any of their names?
A. No.

Q. 50 You have said that the prisoner was taken away. Do you know who took him away?
A. He was taken away by our guard but, as I have said, everybody was following; women and children following at a distance.

Q. 51 Do you know how the prisoner was killed?
A. I didn't see it. All I know is through the people of the village.

Q. 52 Do you know where the prisoner was buried?
A. Yes.

- Q. 53 Where?
A. At the cemetery at Oberweiler. In the middle of the cemetery on the left, in a small grave.
- Q. 54 I produce to you Exhibit "E". Do you know who that is a photograph of?
A. Yes.
- Q. 55 Who is it?
A. Wilhelm Schick.
- Q. 56 Where does he live?
A. He lives at Oberweiler.
- Q. 57 Do you know where he is now?
A. We were told as we left that he was a prisoner of war but that is just what we were told.
- Q. 58 Can you describe to us in detail that man?
A. This man remained for a long time in Oberweiler without being called up. He was one of those people who raised the hand and yelled "Heil Hitler".
- Q. 59 When was this?
A. All the time.
- Q. 60 Was he a member of the Nazi party?
A. I cannot say that.
- Q. 61 What colour hair has he?
A. He is somewhat bald on the forehead and his hair is about the same colour as yours (indicating the interpreter whose hair is brown).
- Q. 62 How tall was he?
A. He is taller than I am. I am a metre seventy. He must be a metre seventy-two.
- Q. 63 And his approximate weight?
A. Approximately 70 kilos.
- Q. 64 Has he any peculiar distinguishing marks on his person?
A. No. I don't know anything.
- Q. 65 Did he ever wear glasses?
A. No. I never saw him with glasses.

Q. 66 Did you ever see him with a moustache?
A. No, never.

Q. 67 I now produce to you Exhibit "F". Do you recognize the photograph?
A. Yes.

Q. 68 Who is that?
A. Schick.

Q. 69 What is his first name?
A. His father's name is Sepp but I do not know his first name. He lives in front of the school at Oberweiler.

Q. 70 Do you know where this man is now?
A. At his home I think. I think he is still at home. I am not sure about that but I think before the liberation of Rastatt and Baden Baden by the French troops he was still at home.

Q. 71 Was he ever in the army?
A. No, never.

Q. 72 What was his occupation?
A. He was a farmer but he had worked at the Mercedes plant at Gaggenau.

Q. 73 What colour hair has this man?
A. Fair. If you want any more information on him the prisoner of war friend I had, the one who is at Argenteuil, was his employee.

Q. 74 What is his name?
A. Dronchat, Maurice.

Q. 75 Do you know approximately how tall this man was, referring to Schick?
A. He was not tall.

Q. 76 And his approximate weight?
A. 65 kilos approximately. I don't know.

Q. 77 With regard to his height, was he taller than I am?
A. He was not as tall as you are. He was a little stooped.

Q. 78 Were there any special distinguishing marks or peculiarities about this man Schick?
A. No, none.

Q. 79 I show to you Exhibit "G". Do you recognize anybody in that picture?
A. Yes.

Q. 80 Who do you recognize?
A. Everybody.

Q. 81 Who is the man in the picture?
A. He is a gentleman by the name of Anselm.

Q. 82 Do you know his first name?
A. Oscar.

Q. 83 And where did he reside?
A. At Oberweiler.

Q. 84 Do you know where he is now?
A. When they mobilized the latest class, the Volksturm, though he wasn't himself in the Volksturm he was sent to Hamburg or to Denmark, but I am only saying what his wife told me. I don't know that myself.

Q. 85 Did his wife tell you anything that her husband knew about the Allied flyer who was shot down?
A. His wife didn't tell me anything.

Q. 86 Did anybody tell you anything?
A. The general rumour was, that is, what the people said generally, this man accompanied the guard who shot the Canadian prisoner. That is what I heard people saying generally. I cannot vouch for that myself.

Q. 87 Do you know the name of this guard?
A. No. I had it but I have lost the paper.

Q. 88 How tall would Oscar Anselm be, approximately?
A. He is quite tall and slim. He probably is about a metre seventy-five or a metre seventy-eight.

Q. 89 What colour hair did he have?
A. Black.

Q. 90 And what was his approximate weight?
A. He is very thin. He must not weight very much, perhaps 70 kilos.

Q. 91 Did he ever wear a moustache?
A. I don't think so.

Q. 92 Did he wear glasses?
A. No.

Q. 93 Now, with reference to Exhibit "F", Schick, can you say whether or not he ever wore glasses?
A. No. I have never seen him.

Q. 94 Did he have a moustache?
A. No. I don't think so. No. I never saw him with a moustache.

Q. 95 With reference to Exhibit "D", Wilhelm Jung, will you tell us what you know about him?
A. I don't know him as well as my friend who is in Vichy and who was employed by him, but I can say I had some esteem for this man.

Q. 96 Why?
A. It was said sometimes in the village "These Frenchmen do not get back to the kommando on time; these Frenchmen look at German girls", but Jung always said "Let these people work and let them alone. They are people like us".

Q. 97 Did you actually hear him speak in this manner on any occasion?
A. Yes. Several times. Checks were carried out.

Q. 98 Do you understand German?
A. I understand it well.

Q. 99 Where did you learn German?
A. In Germany only.

Q. 100 How long have you been in Germany?
A. Almost five years.

Q. 101 Did Jung do anything else for the French prisoners of war?
A. He looked after us generally. He saw that we were well fitted out with boots. He sometimes came to see how we were eating. He never discussed politics at all. Never vexed us by saying "You have lost the war" or "Hitler is a great man".

Q. 102 Do you know if he is a member of the Nazi Party?
A. I don't know.

- Q. 103 Do you know where he is now?
A. I have heard it said that he was at the prison in Strassburg.
- Q. 104 When was this?
A. I got a letter from my friend in Vichy a month and a half ago.
- Q. 105 Who is this?
A. This prisoner, Claude Des Bordes.
- Q. 106 Now, can you say approximately how tall William Jung is?
A. He is a metro seventy.
- Q. 107 What colour hair has he?
A. He has not got very many of those. Black or dark brown with a few white hairs.
- Q. 108 What is his approximate weight?
A. 75 kilos, approximately.
- Q. 109 How old is he?
A. 52 years old this year.
- Q. 110 Did he wear glasses?
A. No.
- Q. 111 Did he ever have a moustache?
A. Yes.
- Q. 112 What colour was it?
A. Greying.
- Q. 113 With reference again to Exhibit "E", Schick, approximately what is his age?
A. 26, I think so.
- Q. 114 And with reference to Exhibit "F", Schick?
A. He is in his 40's.
- Q. 115 And with reference to Exhibit "G", Anselm?
A. He is my age, 33.
- Q. 116 When the Allied flyer landed and was taken by the people how was he considered? What was his status?
A. As soon as he had landed he was very well considered.

Q. 117 Was he considered as a prisoner of war?
 A. Yes, at that moment.

Q. 118 Did he at any time lose that status?
 A. I have heard it said that he had been maltreated. I didn't see it.

Q. 119 Do you know who maltreated him?
 A. People said -- I did not see that myself -- that it was this gentleman here (indicating photograph Exhibit "F") and this gentleman here (indicating photograph Exhibit "E"). That is what the civilians said.

Q. 120 Did you hear at any time or do you know of your own knowledge whether or not the prisoner did anything to forfeit his status as a prisoner of war?
 A. Absolutely not. There were civilians who were saying "He is perfectly well behaved. He is a prisoner of war".

Q. 121 Do you know the name of this Canadian airman?
 A. No, but a lady at Oberweiler knows it. She told me "Paul, if some day the police come I have the name of the prisoner here". I believe she had copied it off a disc of some kind.

Q. 122 Do you know her name?
 A. Yes. Frau Axtmann. She has a grocery store.

Q. 123 Do you know the address or where she can be found in Oberweiler?
 A. She is at Oberweiler with her daughter. She can be found there easily.

Q. 124 How did you know that the flyer was a Canadian?
 A. People said he is a Canadian.

Q. 125 What time of day was it that he was shot?
 A. It must have been about four o'clock in the morning.

CROSS-EXAMINED BY CAPTAIN BLAIN:

Q. 126 What was the kommando that you speak of?
 A. It is a place where in a village the prisoners of war are kept, whether there are 10 or 20 or whatever their number is. Each kommando had a number.

Q. 127 When you were in the kommando and you saw the parachutist coming to the earth you said there were other prisoners with you. Did they see what happened to the pilot?

A. They will tell you exactly what I have just told you. He was not with him because we were locked in.

Q. 128 Would their information about this pilot be only that which they heard?

A. Yes. It is about the same type of information that I can give.

Q. 129 You have mentioned that the Canadian airman was maltreated by the two Schicks. Do you know or have you heard what the maltreatment consisted of?

A. I have heard it said -- I hope you have noted that -- I have not seen it myself -- that he had been beaten with rifle butts. It seems that then he was in his grave a hole was found in his back. This hole could not have been made when he was dropped by parachute or when he was shot so it must have been done at that time.

Q. 130 Do you know or have you heard who shot the pilot?

A. Yes, our guard.

Q. 131 Can you describe for me your guard?

A. He is not tall. He is about a metre seventy; rather stout; black hair and greying. That is all.

Q. 132 Did he wear glasses?

A. No.

Q. 133 Did he have a moustache?

A. No.

Q. 134 Do you know his approximate age?

A. 38 or 40.

Q. 135 Did he have any particular peculiarity which would enable us to identify him?

A. He was of a rather sombre character. He never looked you in the face. He was not bad. He didn't yell too much but he was the type of person that never looks you in the face.

Q. 136 Will you describe his treatment of the French prisoners that he was guarding?
 A. He had not been with us very long at the time but I couldn't say that he had been bad.

Q. 137 Do you know a person named Tiefenbrucher?
 A. No, but have you in your documents the name of a man from Oberweiler called Glastedt. He is a big Nazi.

Q. 138 Did he have anything to do with this Canadian airman?
 A. Yes.

Q. 139 How was he connected?
 A. According to me, if the order to kill the Canadian did not come from Rastatt it must have come from him.

Q. 140 Where was he located?
 A. At Oberweiler. He is the assistant mayor. He always went around with an S.A. uniform. He was well known to be an S.A.

Q. 141 Will you describe him?
 A. He was very big; red faced. He had already disappeared when we left.

Q. 142 How tall was he?
 A. A metre seventy.

Q. 143 His weight?
 A. Very heavy. More than 75 kilos. He was born in Kuppenheim.

Q. 144 Did he wear glasses or have a moustache?
 A. He didn't wear any glasses and I don't know whether he wore a moustache or not.

Q. 145 Did he have any peculiarities at all?
 A. He had a brutal appearance generally.

RE-EXAMINED BY FLIGHT LIEUTENANT McTAGGART:

Q. 146 Do you know a man named Schunacher?
 A. I have heard that name mentioned but I don't know who it is.

Q. 147 Do you know if this man lived in or about Oberweiler?
 A. I believe he was from Oberweiler but I can't be sure about that. The name is known.

Q. 148 Do you know a Frenchman called Mainot?
A. No.

Q. 149 Do you know of any other people who might be of assistance or possibly give information concerning the death of the Canadian airman?
A. No, but this prisoner of Jung's, this man who lives in Vichy, could give you some information which might add to what I have given you. He has, in fact, asked me that if anybody ever came to Paris to see me about this case to be sure to put them in touch with him.

Q. 150 Do you know if the Allied flyer was hurt in his parachute descent or on landing?
A. No. He was not wounded. Some friends who saw him in the commande said he was not wounded.

THE WITNESS WITHDRAWS.

To certify that the foregoing transcript consisting of 14 pages is a true record of the evidence given before us by the witness.

(SGD) D.E. McTaggart Flight Lieut.
Examiner

(SGD) J.E. Blain Captain
Cross-Examiner.

EXHIBIT "H"
R.E. McBurney L/V/H
President.

Camp de Prisonniers Francais

22 Avril, 1945.

Avant de quitter ce Village ou j'ai passe cinq ans de captivitee, en qualite d'homme de confiance du camp, je recommande au autorite Francaise qui occuperont ce village, H. Jung, Maire Ortsgruppenleiter, qui a toujours defendu nos causes aupres de nos gardiens et de leurs controles - malgres la critiques des gens - nous a toujours laisse entree libre dans son cafe - ou on nous a servit du vin et de la biere avant les civils. Non seulement cette famille a ete bonne pour nous Francais mais pour tous les etrangers - Russes, Polonais, Belges, Hollandais, - qui ont toujours etaient bien recu ont eu a manger et a boire.

Oberweiler, le 22 avril, 1945.

signe

C. Desborbe

Vichy.

Allier.

R.E. McBurney, A/V/M
President

I certify that Jun , Wilhelm was medically
examined by me at 0910 hours on 15-3-46
and is fit to undergo trial by Military Court.

Signature "D.G. Nelson" W/C

R.E. McBurney, A/V/M
President

I certify that Schumacher, Johann Georg was
medically examined by me at 0900 hours on
15-3-46 and is fit to undergo trial by
Military Court.

Signature "D.G. Nelson" W/C

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 20th March/46

I CERTIFY THAT Jung, Wilhelm WAS MEDICALLY
EXAMINED BY ME AT 1330 HOURS ON 20/3/46
AND IS FIT TO UNDERGO TRIAL BY MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 20th March/46

I CERTIFY THAT Schumacher, Johann George WAS
MEDICALLY EXAMINED BY ME AT 1320 HOURS ON
20/3/46 AND IS FIT TO UNDERGO TRIAL BY
MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 21st March/46

I CERTIFY THAT Jung, Wilhelm WAS MEDICALLY
EXAMINED BY ME AT 0910 HOURS ON 21/3/46
AND IS FIT TO UNDERGO TRIAL BY MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 21st March/46

I CERTIFY THAT Schumacher, Johann, George
WAS MEDICALLY EXAMINED BY ME AT 0900
HOURS ON 21/3/46 AND IS FIT TO UNDERGO
TRIAL BY MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander.

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 22nd March, /46

I CERTIFY THAT Jung, Wilhelm WAS MEDICALLY
EXAMINED BY ME AT 0900 HOURS ON 22/3/46
AND IS FIT TO UNDERGO TRIAL BY MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 22nd March/46

I CERTIFY THAT Schumacher, Johann, George WAS
MEDICALLY EXAMINED BY ME AT 0850 HOURS ON
22/3/46 AND IS FIT TO UNDERGO TRIAL BY
MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 23rd March/46

I CERTIFY THAT Jung, Wilhelm WAS MEDICALLY
EXAMINED BY ME AT 0915 HOURS ON 23/3/46
AND IS FIT TO UNDERGO TRIAL BY MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 23rd March/46

I CERTIFY THAT Schumacher, Johann Georg
WAS MEDICALLY EXAMINED BY ME AT 0900 HOURS ON
23/3/46 AND IS FIT TO UNDERGO TRIAL BY
MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 25th March/46

I CERTIFY THAT Jung, Wilhelm WAS MEDICALLY
EXAMINED BY ME AT 0905 HOURS ON 25/3/46
AND IS FIT TO UNDERGO TRIAL BY MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

CERTIFICATION OF MEDICAL EXAMINATION

Date: 25th March, 1946

I CERTIFY THAT Schumacher, Johann Georg
WAS MEDICALLY EXAMINED BY ME AT 0850 HOURS
ON 25/3/46 AND IS FIT TO UNDERGO TRIAL BY
MILITARY COURT.

Signature "D.G. Nelson" W/C
(D.G. Nelson) Wing Commander

R.E. McBurney, A/V/M
President

TRIAL OF Wilhelm Jung

14th March, 1946.

consent to TMOB

1. I request the services of Squadron Leader V.R.

Collins as my defence counsel at the above
trial.

I further request the services of Sergeant
G.E. Hartwig as my Interpreter.

2. I dispense with the services of a German
counsel.

(Signature) "Wilhelm Jung"

The above has been read by me and translated in
German to the accused who appears to fully under-
stand the nature and meaning of same.

(Signature) "T.W. O'Brien" W/C

R.E. McBurney, 1/v/M
President

TRIAL OF Johann Georg SCHUMACHER

MARCH, 1946.

- consent to JCS
1. I request the services of Squadron Leader
J.F. Hollies as my defence counsel at the
above trial.

I further request the services of
JCS ~~as-junior-defense-counsel-at-said-trial,-and~~
Sgt. Klassen, E. as Private Interpreter.

2. I dispense with the services of a German
counsel.

(Signature) "Joh. Georg Schumacher"

"J.F. Hollies" S/L
Witness

The above has been read by me and translated in
German to the accused who appears to fully under-
stand the nature and meaning of same.

(Signature) "E. Klassen" Sgt.